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THE

STATUTES OF CALIFORNIA,

PASSED AT THE

ELEVENTH SESSION OF THE LEGISLATURE,

1860:

BEGUN MONDAY, THE SECOND DAY OF JANUARY, AND ENDED ON MONDAY, THE THIRTIETH DAY OF APRIL.

PUBLISHED BY AUTHORITY.

SACRAMENTO:
CHARLES T. BOTTS, STATE PRINTER.
1860.

L14847

JUL 29 1938

BOUND BY F. FOSTER, SACRAMENTO.

VANDERBILT MAIS

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LIST OF OFFICERS.

NAMES AND RESIDENCE

Of State Officers, Senators, Members of Assembly, and Presiding Officers of both Houses, in Office at the Time of the passage of the Laws contained in this Volume.

NAMES.	OFFICIAL POSITION.	RESIDENCE.
J. G. Downey	Governor	Sacramento
I. N. Quinn	Lieutenant-Governor	Montezuma
Johnson Price	Secretary of State	Sacramento
Samuel H. Brooks	Controller	Stockton.
Thomas Findley	State Treasurer	Grass Valley
Thomas H. Williams	Attorney-General	Coloma
Horace A. Higley	Surveyor-General	Oakland
Andrew J. Moulder	Superintendent of Public Instruction	San Francisco
Chas. T. Botts	State Printer	Sacramento
Wm. C. Kibbe	Quartermaster and Adjutant-General	Sacramento
Stephen J. Field	Chief Justice Supreme Court	Sacramento
Joseph G. Baldwin	Associate Justice Supreme Court	Sacramento
W. W. Cope	Associate Justice Supreme Court	Sacramento
Chas. S. Fairfax	Clerk Supreme Court	Sacramento

SENATORS.

I. N. Quinn, President of the Senate, *ex officio.*

NAMES.	COUNTIES REPRESENTED.	RESIDENCE.
Anderson, James	Placer	Auburn
Ballou, S. A	Plumas and Butte	American Valley
Bradley, B. T	Amador and Calaveras	Jenny Lind
Crittenden, R. D	El Dorado	Diamond Springs
Clark, R. C	Sacramento	Sacramento
Chase, S. H	Nevada	Nevada
De la Guerra, Pablo	Santa Barbara and San Luis Obispo	Santa Barbara
Dent, G. W	Contra Costa and San Joaquin	Knight's Ferry
Dickinson, W. B	El Dorado	Spanish Flat
Denver, A. St. C	El Dorado	Coloma
Edgerton, Henry	Napa, Yolo, and Solano	Napa City
Eagon, John A	Amador	Ione City
Franklin, J. J	Tuolumne	Sonora

NAMES.	COUNTIES REPRESENTED.	RESIDENCE.
Haynes, John P.	Klamath, Siskiyou, and Del Norte	Crescent City
Kirkpatrick, M.	Sierra	Downieville
Leet, G. T.	Placer	Michigan Bluffs
Lansing, C. J.	Nevada	Grass Valley
Logan, J.	Shasta, Tehama, and Colusa	Red Bluff
Merritt, Samuel A.	Mariposa, Merced, Tulare, and Frezno	Mariposa
McDonald, James M.	Sacramento	Sacramento
O'Farrell, Jasper	Sonoma, Marin, and Mendocino	Bodega
Pico, Andreas	Los Angeles	Los Angeles
Phelps, T. G.	San Mateo and San Francisco	San Mateo
Peachy, A. C.	San Francisco and San Mateo	San Francisco
Parker, Samuel H.	San Francisco and San Mateo	San Francisco
Parks, W. H.	Sutter and Yuba	Sutter
Quinn, I. N.	Stanislaus and Tuolumne	Montezuma
Redman, R. A.	Alameda and Santa Clara	San Jose
Ryan, Jas. T.	Humboldt and Trinity	Eureka
Sharp, Sol. A.	San Francisco and San Mateo	San Francisco
Titus, I. S.	El Dorado	Placerville
Vance, Jas. M.	Butte and Plumas	Thompson's Flat
Watson, John H.	Santa Cruz and Monterey	Watsonville
Watkins, H. P.	Yuba	Marysville
Wheeler, E. D.	Yuba	Marysville

REPRESENTATIVES.

PHIL MOORE, of Nevada.....Speaker.

Babcock, Jasper	San Francisco	San Francisco
Bailey, D. B.	Santa Clara	Mountain View
Bailey, G. W	Tuolumne	Sonora
Beach, D. S.	Placer	Rattlesnake
*Bell, John C.	El Dorado	Indian Diggings
Bowman, John H.	Amador	Butte City
Burson, Lewis M.	Humboldt	Eureka
Campbell, W. L.	San Joaquin	Dry Creek
Conn, W. A.	San Bernardino	San Bernardino
Conness, John	El Dorado	Georgetown
Coombs, Nathan	Napa	Napa City
Covarrubias, J. M	Santa Barbara	Santa Barbara
Crowell, J. M	Yuba	Long's Bar
Curtis, Sam. T.	Nevada	Sweetland's
Daggett, John	Klamath and Del Norte	Sawyer's Bar
Dunlap, Elon	El Dorado	El Dorado
Ellis, R. B.	Sacramento	Sacramento County
Fairchild, David	El Dorado	Greenwood
Gallagher, P. A.	Calaveras	Campo Seco
Goodman, L. C.	Sacramento	Fugett's
Groom, R. W.	San Diego	Mesa Grande
Gwinn, H	Yolo	Knight's Landing
Haliday, Thomas J.	Sierra	Plum Valley
Halsted, Jas. L.	Santa Cruz	Pajaro
Hammond, J. B	Mariposa and Merced	Agua Frio
Harville, John W.	Placer	Todd's Valley
Hawley, A. H	El Dorado	Lake Valley
Hayes, H.	Nevada	Moore's Flat
Henry, Brice M.	San Luis Obispo	San Luis Obispo
Heston, T. M.	Tulare and Frezno	Visalia
Hugg, Ben. P.	Yuba	Foster's Bar
Howe, Robert	Tuolumne	Don Pedro's Bar
Hundley, P. O.	Plumas	Quincy
Jenkins, T. F.	Mariposa and Merced	Snelling's
Johnson, P. C	Amador	Lancha Plana
Johnson, Jas. A.	Sierra	Laporte
King, A. J	Los Angeles	Los Angeles
Kungle, Chas. H.	Yuba	Strawberry Valley
Lambert, John	Butte	Butte Mills
Lamar, Jos. B.	Mendocino	Anderson Valley
Laspeyre, Thomas	San Joaquin	Stockton
Lawrence, A. C.	Trinity	Lewistown

* Deceased.

NAMES.	COUNTIES REPRESENTED.	RESIDENCE.
Lewis, S	Marin	San Antonio
Lovell, S. W	Placer	Auburn
Makins, Jas. M	Placer	Iowa Hill
Malarin, Mariano	Monterey	Monterey
Maxson, W. B	San Mateo	San Bruno
McDermit, Chas	Siskiyou	Scott Valley
O'Connor, M. P	Nevada	Grass Valley
O'Rear, Ben. T	Yuba	Camptonville
Pate, B. Thomas	San Francisco	San Francisco
Patton, D. C	El Dorado	Garden Valley
Phelps, Abner	San Francisco	San Francisco
Rodgers, Edwin A	Tuolumne	Sonora
Rogers, Daniel	San Francisco	San Francisco
Sawyer, F. A	San Francisco	San Francisco
Schmidt, J. C	San Francisco	San Francisco
Shannon, T. B	Plumas	Meadow Valley
Shattuck, F. K	Alameda	Oakland
Shelton, H. A	Calaveras	Old Gulch
Smith, J. Landon	Sutter	Yuba City
Smith, C. F	Nevada	Grass Valley
Starr, Henry	Sacramento	Sacramento City
Stevenson, E. A	Tehama	Tehama
Stone, Wm. H	El Dorado	Salmon Falls
Swan, Thomas M	Solano	Suisun
Theller, S. L	San Francisco	San Francisco
Tilton, S. S	San Francisco	San Francisco.
Walden, Miner	Stanislaus	La Grange
Warner, J. J	Los Angeles	Los Angeles
Watson, Jas. H	El Dorado	Grizzly Flat
Welty, D. W	Sacramento	Sacramento
Wescott, Jonas	Yuba	Marysville
White, John	Shasta	Red Bluff
Wilkins, Chas. P	Sonoma	Santa Rosa
Williams, J. M	Santa Clara	San Jose
Wilson, Samuel	Calaveras	Salt Spring Valley
Yager, Cornelius	Contra Costa	Alamo
Yancey, F	Tuolumne	Columbia

COMMISSIONERS OF DEEDS,

WITH NAME, RESIDENCE, DATE OF APPOINTMENT, AND DATE OF FILING OATH OF OFFICE.

Date of Appointment.	*Name.*	*Residence.*	*Date of Filing Oath of Office.*
ALABAMA.			
November 2, 1858	Douglas, Sid. T	Mobile	March 24, 1859.
ARKANSAS.			
December 18, 1856	Sparks, J. H	Fort Smith	June 19, 1857.
CONNECTICUT.			
March 17, 1856	Goodman, Edwin	Hartford	June 1, 1856.
September, 17, 1856	Leauman, C. J	Norwich	November 15, 1856.
April 14, 1857	Noble, W. H	Bridgeport	June 15, 1856.
April 24, 1857	Stine, A. E	New London	June 25, 1857.
October 18, 1859	Hammersley, Wm	Hartford	December 15, 1859.
September 1, 1859	Sheldon, Joseph	New Haven	December 15, 1859.
October 13, 1859	Whittery, Chas	Hartford	December 15, 1859.
FLORIDA.			
October 18, 1859	Hart, Oscar	Jacksonville	....
GEORGIA.			
August 15, 1856	Miller, Frank E	Augusta	November 10, 1856.
May 12, 1859	Montgomery, W. W	Augusta	July 30, 1859.
INDIANA.			
January 17, 1856	Ingells, John	Evansville	May 31, 1856.
July 17, 1857	Willey, Wm. S	Indianopolis	November 25, 1857.
July 11, 1859	Severance, Wm. N	South Bend	....

Date of Appointment.	*Name.*	*Residence.*	*Date of Filing Oath of Office.*
ILLINOIS.			
December 29, 1856	Davis, W. H	Chicago	March 19, 1857.
September 18, 1858	Gerhard, Forman	Chicago	December 16, 1857.
July 21, 1854	Hayne, Phil. A	Chicago,	October 21, 1858.
January 31, 1856	Marguam, P. A	McDonough Co	June 21, 1856.
October 4, 1856	Magill, John W	Chicago	December 17, 1856.
January 16, 1857	Willets, Elias	Chicago	May 1, 1857.
December 31, 1856	Pugh, W. H	Peoria	March 19, 1857.
January 17, 1859	Smith, Samuel C	Chicago	....
May 13, 1859	Godfrey, Cyrus O	Quincey	....
April 14, 1860	Proudfoot, Lawrence	Chicago	....
July 5, 1859	Scott, Ira	Chicago	November 1, 1859.
IOWA.			
April 9, 1860	Spicer, Wells	Tipton	....
KENTUCKY.			
January 17, 1856	Johnson, Alf. B	Owensburo	March 31, 1856.
August 15, 1856	Thompson, Charles P	Louisville	July 1, 1857.
LOUISIANA.			
July 1, 1858	Claiswell, Charles de	New Orleans	February 1, 1859.
November 10, 1858	Mitchell, D. T	New Orleans	April 18, 1859.
March 13, 1859	Margareau, Adolph	New Orleans	....
December 31, 1857	Shannan, Wm	New Orleans	April 1, 1858.
July 27, 1858	Stansbury, Wm. S	New Orleans	February 3, 1859.
December 2, 1857	Peters, Walter H	New Orleans	April 14, 1858.
July 20, 1859	Ogden, Henry D	New Orleans	....
October 28, 1857	Grayham, James	New Orleans	April 1, 1858.
November 30, 1859	Jones, D. C	Bayou Sara	....
February 13, 1860	Stringer, Charles	New Orleans	....
MAINE.			
February 2, 1858	Child, Jas. L	Augusta	April 1, 1858.
May 29, 1858	Nichols, Asaph R	Augusta	August 22, 1858.
May 9, 1857	O' Donald, James	Portland	July 15, 1857.
MARYLAND.			
April 1, 1859	Burgess, H. H	Baltimore	....
March 14, 1857	Davidge, T. H	Baltimore	June 15, 1857.
January 17. 1856	Hill, W. B	Baltimore	August 18, 1856.
June 1, 1857	Nunes, A. A	Baltimore	September 1, 1857.
June 17, 1858	Dalrymple, Williams	Baltimore	August 16, 1858.
March 25, 1858	Whelan, Thos. J	Baltimore	July 15, 1859.
April 19, 1859	Kenly, John R	Baltimore	....
November 29, 1859	Bedford, J. R. D	Towsontown	....
May 10, 1860	Sprague, E. R	Baltimore	....
MASSACHUSETTS.			
March 31, 1857	Adams, C. B. F	Boston	July 5, 1857.
October 28, 1857	Angel, Geo. T	Boston	December 30, 1858.
March 9, 1859	Burbank, Robert J	Boston	....
March 2, 1856	Cummings, A. J	Roxbury	February 4, 1857.
March 31, 1857	Fiske, Edward	Boston	June 20, 1857.
October 1, 1858	Gardner, Edward M	Nantucket	February 14, 1859.
January 31, 1856	Goff, B. F	Ware	June 7, 1856.
May 2, 1856	Hill, J. Henry	Worcester	October 4, 1856.

Date of Appointment.	*Name.*	*Residence.*	*Date of Filing Oath of Office.*
March 31, 1856.....	Leonard, M. J.....	Westfield	June 5, 1856.
February 12, 1857....	Park, John C.....	Boston	April 14, 1857.
December 18, 1856...	Randell, Otis Gray.....	Boston	February 11, 1857.
March 19, 1857.....	Richardson, Geo. F.....	Boston	December 30, 1858.
January 17, 1857	Stone, Joshua C.....	New Bedford.....	April, 1857.
March 31, 1857.....	Sharp, Daniel.....	Boston	July 20, 1857.
April 19, 1856.....	Richardson, W. A	Lowell	July 3, 1856.
August 1, 1859.....	Allen, E. F.....	New Bedford.....	September 30, 1859.
May 18, 1859.....	Currier, Benj. H.....	Boston	July 18, 1859.
October 28, 1859	Cook, John	Newburyport	June 18, 1859.
November 7, 1859....	Chamberlain, A. W.....	Boston	....
October 5, 1859	Randall, A. G	Worcester.....	....
May 21, 1860	Suter, Hales W.....	Boston	....
December 28, 1859...	Whitman, W. D. A	Boston	March 10, 1860.

MICHIGAN.

August 16, 1858.....	Stockton, T. B. W.....	Flint	December 3, 1858.
September, 19, 1859..	Waterman, Wm. J.....	Detroit	December 1, 1859.

MISSISSIPPI.

September 24, 1857..	Prown, W. H.....	Jackson.....	January 24, 1858.
February 2, 1856.....	Lindsey, Lozanis.....	Vicksburg	May 5, 1856.
February 7, 1860.....	Turner, Jas. H.....	Columbus.....	....

MISSOURI.

January 5, 1856.....	Chester, Thomas C	Missouri	May 5, 1856.
May 19, 1857.....	Shands, E. W	St. Louis.....	August, 1857.
September 29, 1857...	Tillson, Charles H.....	St. Louis.....	December 30, 1857.
April 14, 1858.....	Teagarden, Thomas H.....	St. Louis.....	August 16, 1858.
May 12, 1859	Hall, James	Kansas City.....	October 28, 1859.
October 18, 1859	Harper, Joel G	St. Louis.....	December 10, 1859.
December 8, 1859....	Reilly, John.....	St. Louis.....	January 14, 1860.
February 13, 1860....	Rawle, S. P.....	St. Louis.....	March 15, 1860.
February 8, 1860.....	Ralls, John.....	St. Louis.....	....

NEW JERSEY.

March 31, 1857.....	Cassady. Geo. W	Jersey City.....	June 5, 1857.
August 4, 1855.....	Howell, R. W	Camden.....	January 17, 1856.
March 10, 1856.....	Pierson, Thos. B.....	Newark	June 21, 1856.

NEW YORK.

June 1, 1857.....	Andrews, Horace.....	City New York	July 20, 1857.
August 6, 1856.....	Bostwick, Henry H.....	Auburn	April 7, 1857.
February 19, 1857....	Bennett, G. L. Jr	Brooklyn	April 9, 1857.
April 9, 1857.....	Baldwin, Geo. E.....	City New York.....	June 19, 1857.
February 2, 1858.....	Busteed, N. William.....	City New York.....	April 30, 1858.
May 21, 1858.....	Baldwin, A. Dewit.....	City New York.....	August 16, 1858.
June 17, 1858.....	Bushnell, Chas. J.....	City New York.....	September 17, 1858.
October 6, 1858.....	Birney, Wm.....	City New York.....	January 27, 1859.
February 21, 1859....	Berry, John.....	Upper Sandusky	....
March 18, 1859.....	Banks, Henry C	City New York.....	....
April 26, 185	Cushman, A. F.....	City New York.....	October 20, 1856.
May 2, 1856.....	Callicot, T. C.....	City New York.....	November 19, 1856.
July 23, 1856	Chetwood, John J.....	City New York.....	October 15, 1856.
January 14, 1857.....	Cohen, A. A.....	City New York.....	April 1, 1857.
March 3, 1857.....	Cora, Edward F	City New York.....	August 10, 1857.
June 25, 1857.....	Cook, Josiah.....	Buffalo.....	August 25, 1857.
June 25, 1857.....	Connell, E. W.....	City New York.....	June 16, 1857.
January 27, 1858.....	Cooley, Randolph M.....	City New York.....	1858.
March 18, 1859.....	Callan, John F. Jr.....	City New York.....	....
March 31, 1859.....	Cook, W. A.....	City New York.....	....

Date of Appointment.	*Name.*	*Residence.*	*Date of Filing Oath of Office.*
October 4, 1856	Dissasony, C. R	City New York	June 31, 1857.
May 1, 1857	Dewitt, Henry R	City New York	July 1, 1857.
August 3, 1858	Dugan, A. J. H	City New York	March 18, 1859.
March 9, 1859	Emmons, Henry L	City New York	....
February 12, 1856	Furness, William	City New York	May 23, 1856.
February 22, 1858	Gibbs, George O	City New York	May 17, 1858.
May 1, 1857	Holden, Oliver	Brooklyn	July 5, 1857.
May 11, 1857	Hackett, Jno. K	City New York	December 17, 1857.
July 9, 1858	Hurd, John C	City New York	October 1, 1858.
September 1, 1858	Hurst, Lewis	Brooklyn	November 2, 1858.
March 23, 1859	Houghton, Frederick E	City New York	....
March 24, 1859	Harnott, Jas. C	City New York	....
March 26, 1859	Hitchcock, A. H	City New York	....
May 2, 1856	Livingston, John	City New York	July 17, 1856.
March 6, 1857	Lawton, J. W	City New York	May 16, 1857.
March 31, 1857	Leete, Edmund J	City New York	June 5, 1857.
September 8, 1857	Lay, Sylvester	City New York	December 1, 1857.
December 23, 1858	Lee, Frederick R	City New York	August 31, 1858.
January 24, 1858	Lee, Cyrus P	Buffalo	....
April 10, 1856	McClay, M. B	City New York	June 21, 1856.
July 2, 1857	Morrison, Chas T	City New York	September, 20, 1857.
February 14, 1859	Nettleton, Chas	City New York	April 18, 1859.
June 18, 1857	Ostrander, Alexander	City New York	June 16, 1858.
June 5, 1858	Platt, Zephaniah	City New York	November 16, 1858.
July 21, 1858	Peck, W. W	City New York	April 19, 1859.
August 30, 1858	Phillips, Alfred A	City New York	November 2, 1858.
December 18, 1857	Rankin, Benjamin	City New York	February 27, 1858.
May 10, 1858	Rice, Clinton	City New York	March 17, 1859.
May 15, 1856	Stuart, Charles	City New York	October 4, 1856.
January 28, 1857	Slidell, A. H	Brooklyn	July 10, 1857.
May 1, 1857	Sinclair, Wm. J	City New York	June 25, 1857.
November 18, 1857	Stevenson, W. W	City New York	February 16, 1858.
September 1, 1858	Seixas, Daniel	City New York	November 2, 1858.
April 4, 1859	Smith, Thos. E	City New York	....
March 15, 1858	Thompson, Chas. H	Brooklyn	May 15, 1858.
July 1, 1858	Taylor, Nelson	City New York	August 31, 1858.
June 7, 1858	Vernon, Thomas	City New York	October 1, 1858.
March 15, 1858	Wentworth, Delos	Rochester	May 31, 1858.
June 17, 1858	Williams, Jas. B	City New York	August 31, 1858.
July 16, 1858	Ward, Wm. R. L	City New York	October 18, 1858.
April 19, 1859	Wm. H. Browne	City New York	....
April 19, 1859	W. Coventry, H. Waddell	City New York	....
May 8, 1860	Anderson, John L	City New York	....
April 9, 1859	Brown, Wm. H	City New York	May 26, 1859.
June 14, 1859	Bissell, Edward	City New York	August 16, 1859.
July 25, 1859	Brown, Morris S	City New York	September 30, 1859.
December 1, 1859	Bissel, John	City New York	December 29, 1859.
December 15, 1859	Bagg, J. L	Syracuse	January 30, 1860.
December 15, 1859	Brewster, H. A	City New York	....
October 19, 1859	Carrington, J. W	City New York	November 11, 1859.
April 14, 1860	Cushman, A. F	City New York	....
August 29, 1859	Devlin, John E	City New York	....
February 15, 1860	Fish, Jesse T	City New York	....
March 7, 1860	Furniss, William	City New York	....
January 14, 1860	Gibbs, James A	Buffalo	March 16, 1860.
November 7, 1859	Hilton, Robert S	Albany	January 9, 1860.
December 10, 1859	Hale, James W	City New York	....
February 15, 1860	Hall, F. A	City New York	March 21, 1860.
January 16, 1860	Livingston, John	City New York	February 16, 1860.
April 5, 1860	Maclay, Moses B	City New York	....
January 16, 1860	Nones, Joseph B	City New York	February 13, 1860.
April 3, 1860	Priest, Albert	City New York	....
April 17, 1860	Pratt, Jabez D	City New York	....
July 5, 1859	Rutherford, Allen	City New York	August 30, 1859.
April 19, 1859	Waddell, W. C. H	City New York	December 1, 1859.
February 8, 1860	Wadsworth, Geo. W	City New York	....
February 13, 1860	Williamson, G. B	City New York	....

OHIO.

March 10, 1858	Carpenter, Samuel S	Cincinnati	May 17, 1858.
September 25, 1857	Davenport, W. H	Cincinnati	August 31, 1858.
May 17, 1856	French, Ira D	Cincinnati	May 23, 1856.

Date of Appointment.	*Name.*	*Residence.*	*Date of Filing Oath of Office.*
November 12, 1855...	Lynch, John A	Ohio	February 4, 1856.
August 18, 1858.....	Mauldin, James.....	Columbus	November 2, 1858.
November 10, 1858...	McGuffy, Alex. H	Cincinnati.....	October 18, 1858.
November 18, 1857...	Perry, H. G	Cleveland	January 14, 1858.
March 5, 1860.....	Goddard, Charles.....	Zanesville	....
January 16, 1860.....	Hannum, S. B.....	Columbus	February 22, 1860.
December 15, 1859...	Pratt, John H	Cincinnati.....	January 20, 1860.

OREGON.

March 14, 1856	Marguam, P. A.....	Portland	June 14, 1856.

PENNSYLVANIA.

April 14, 1858.....	Burton, A. M.....	Philadelphia	November 2, 1858.
May 25, 1858.....	Badger, Edmond R.....	Philadelphia	November 2, 1858.
October 25, 1858.....	Birney, David B	Philadelphia	December 30, 1858.
March 9, 1859	Blood, Benj. F.....	Philadelphia	....
December 31, 1858...	Barney, Benj. B.....	Philadelphia	March 2, 1859.
December 3, 1858....	Frick, John H.....	Philadelphia	February 1, 1859.
August 3, 1858.....	Jenkins, George, Jr	Philadelphia	October 1, 1858.
March 17, 1856	Lippincott, Wm.....	Philadelphia	September 15, 1857.
March 24, 1856	Quayle, Robert B.....	Philadelphia	July 2, 1856.
September 17, 1856..	Stevens, Henry A.....	Philadelphia	November 21, 1856.
July 17, 1857	Taylor, Samuel C.....	Philadelphia	October 5, 1857.
September 24, 1857 ..	Terrer, Hugh W.....	Philadelphia	December 17, 1857.
March 15, 1858.....	Wistra, Isaac.....	Philadelphia	May 17, 1858.
July 1, 1858	Wollenweber, L. A	Philadelphia	October 18, 1858.
March 31, 1857.....	Sperring, Joshua	Philadelphia	June 20, 1857.
May 17, 1856.....	Shippen, Edward.....	Philadelphia	October 26, 1856.
February 18, 1860....	Dunn, Wm. T	Pittsburgh	....
April 17, 1860.....	Derby, H. W	Scranton	....
July 25, 1859	Harper, Samuel	Pittsburgh	December 15, 1859.
December 16, 1859...	McCrea, Henry.....	Philadelphia	....
June 14, 1859.....	Sergeant, Charles.....	Philadelphia	....

RHODE ISLAND.

November 2, 1858....	Hays, Wingal.	Providence	....
March 27, 1858	Martin, Henry.....	Providence	June 24, 1858
March 30, 1860.....	Hollaway, D. W.....	Newport	....

SOUTH CAROLINA.

March 24, 1858	Hall, Samuel J	Charleston	May 31, 1858.
March 24, 1858	Tobias, V. J.....	Charleston	July 1, 1857.

TENNESSEE.

May 25, 1856.....	Hill, Hum T.....	Memphis.....	July 2, 1856.
March 8, 1859.....	Harrison, John J.....	Memphis.....	....
March 18, 1859.....	Temple, Joseph E.....	Memphis.....	....
June 22, 1859.....	Boyers, Thomas.....	Gallatin	....

TEXAS.

April 5, 1860.....	Johnson, Robert D.....	Galveston	....

VIRGINIA.

....	Lee, James R.....	Richmond.....	December 30, 1858.

Date of Appointment.	*Name.*	*Residence.*	*Date of Filing Oath of Office.*
WISCONSIN.			
October 21, 1858	Deludes, J. R	Madison	....
July 12, 1858	Gardner, Henry C	Milwaukie	March 11, 1859.
DISTRICT OF COLUMBIA.			
July 2, 1857	Thaw, John	Washington	December 1, 1857.
March 2, 1858	Selding, Chas. D	Washington	December 30, 1858.
January 9, 1859	Browne, E. F	Washington	August 16, 1859.
March 7, 1860	Brandeburg, L. G	Washington	....
October 4, 1859	Callan, N	Washington	....
December 15, 1859	Hyde, Anthony	Georgetown	December 15, 1859.
May 18, 1859	Williams, Wm. P	Washington	....
UTAH TERRITORY.			
September 10, 1858	Allen, Richard N	Genoa	September.
April 7, 1860	Bolton, C. C	Salt Lake City	....
April 12, 1860	Boyd, Alexander	....	....
March 30, 1860	Campbell, W. C	Virginia City	....
March 30, 1860	Hall, G. D	Carson Co	April 12, 1860.
April 4, 1860	Hermann, Lucien	Virginia City	....
April 19, 1860	Jones, Herbert C	....	....
February 22, 1860	King, Samuel D	Carson City	....
March 30, 1859	Mason, W. F	Carson City	....
March 22, 1860	Sanders, E. J	....	....
WASHINGTON TERRITORY.			
October 4, 1858	Dennison, B. F	Whatcom	November 23, 1857.
July 14, 1858	Wadsworth, J. C. L	Whatcom	September 7, 1858.
March 15, 1859	Waterman, O. C	Walla Walla	March 17, 1859.
VANCOUVER ISLAND.			
September 10, 1858	Crosby, E. O	Victoria	October 18, 1859.
August 5, 1858	Wallace, George	Victoria	November 12, 1858.
April 17, 1860	Pearkes, George	Victoria	....
REPUBLIC OF CHILE.			
February 24, 1858	Hobson, Wm. L	Valparaiso	....
REPUBLIC OF MEXICO.			
January 26, 1860	Boggs, John M	Guaymas	....

STATUTES OF CALIFORNIA,

PASSED AT THE

ELEVENTH SESSION OF THE LEGISLATURE.

CHAPTER I.—*An Act to appropriate Money to furnish the Governor's Office.*

[Approved January 13, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of five hundred dollars is hereby appropriated from any moneys in the hands of the State Treasurer not otherwise appropriated, to be used in refurnishing the office of the Governor of the State, to be expended under the direction of the Governor elect. Amount appropriat'd

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CHAP. II.—*An Act to extend the time for the Sheriff of Sacramento City and County to collect the Delinquent Taxes for the year one thousand eight hundred and fifty-nine.*

[Approved January 13, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Tax Collector of the city and county of Sacramento shall be allowed until the first Monday of March, one thousand eight hundred and sixty, to make his final settlement with the Auditor, as provided in section forty-three of the reve- Time allowed.

nue law of one thousand eight hundred and fifty-seven; and, until such final return or settlement be made, he shall continue to collect the delinquent taxes, as provided in section twenty-seven of the revenue law of one thousand eight hundred and fifty-seven.

To take effect. SEC. 2. This act to be in force from and after its passage.

CHAP. III.—*An Act relating to the Thirteenth Judicial District, and to define the time of holding the Courts in said District.*

[Approved January 13, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Terms of courts. SECTION 1. The county of Stanislaus, for judicial purposes, shall be attached to the Thirteenth Judicial District.

SEC. 2. The terms of the District Court of the Thirteenth Judicial District shall be held as follows: In the county of Stanislaus, on the second Monday of February, June, and October, of each year; in the county of Merced, on the third Monday of February, June, and October, of each year; in the county of Tulare, on the fourth Monday of February, June, and October, of each year; in the county of Frezno, on the first Monday of March, July, and November, of each year; in the county of Mariposa, on the second Monday of March, July, and November, of each year.

Acts repealed. SEC. 3. All acts or parts of acts, so far as they are inconsistent with the provisions of this act, are hereby repealed.

CHAP. IV.—*An Act to authorize the Commissioners of the Funded Debt of the City of San Francisco to reissue certain Bonds of the City of San Francisco to John B. Dickinson.*

[Approved January 13, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Bonds to be issued. SECTION 1. The Commissioners of the Funded Debt of the City of San Francisco, are hereby authorized and directed to issue to John B. Dickinson, duplicate bonds numbered one hundred and fifty-five (155), one hundred and ninety-nine (199), seven hundred and fifty-three (753), and eleven hundred and fifty (1,150), for one thousand dollars each.

To be signed SEC. 2. The said bonds shall be signed by the present members of the Board of Fund Commissioners, and shall be equally obligatory with the original bonds.

Bond. SEC. 3. Before said bonds, or any of them, shall be delivered

to said John B. Dickinson, the Board of Fund Commissioners shall demand and receive his bond in the sum of four thousand dollars, conditioned against the appearance or presentation for payment, of any of the original bonds heretofore named.

SEC. 4. The said bond need not be executed by the principal, but shall be executed by at least two good sureties, to be approved by the said Board of Fund Commissioners. Approval.

CHAP. V.—*An Act to appropriate Money for Postage and Express purposes during the present Session of the Legislature.*

[Approved January 13, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of three thousand dollars is hereby appropriated from any moneys in the treasury not otherwise appropriated, to be used for postage and express purposes, for Lieutenant-Governor, members of the Legislature, Secretary of the Senate, and Clerk of the Assembly, Sergeant-at-Arms of the Senate, and Sergeant-at-Arms of the Assembly. Appropriation.

SEC. 2. Each officer named in section first of this act shall be entitled to such sum as he may require for postage and express purposes, during the present session of the Legislature, not exceeding twenty-five dollars, to be paid from appropriations made by this act. Limit.

SEC. 3. The Controller is hereby authorized and required to draw his warrant in favor of the Sergeant-at-Arms of the Senate and Assembly, in such sums as they may require, not exceeding the amount which may be, by provisions of this act, disbursed in either House. To draw warrant.

SEC. 4. The Sergeant-at-Arms of the Senate, and the Sergeant-at-Arms of the Assembly, shall open a postage account with the Lieutenant-Governor, Secretary of the Senate, Clerk of the Assembly, and each member of the Senate and Assembly, respectively, and shall furnish such postage and express stamps to each member, and to the Lieutenant-Governor, Secretary of the Senate, and Clerk of the Assembly, as they may require, not exceeding in value twenty-five dollars, and any residue which may result from said appropriation, at the close of the session, shall be returned into the State treasury, to the credit of the General Fund. Postal account. Limit.

SEC. 5. The Sergeant-at-Arms of the Senate, and the Sergeant-at-Arms of the Assembly, shall make, to their respective Houses, at the expiration of each month, and at the close of the session, an exhibit of the postage account of each person entitled to the benefit of this act. Account to be rendered

CHAP. VI.—*An Act concerning the Office of the District Attorney of San Joaquin County.*

[Approved January 17, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Shall provide office.

SECTION 1. It shall be the duty of the Board of Supervisors of the county of San Joaquin, to provide a suitable office for the use of the District Attorney of said county.

CHAP. VII.—*An Act to extend the time for Collecting Taxes in the County of Colusa.*

[Approved January 17, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Time extended.

SECTION 1. The Sheriff of the county of Colusa is hereby authorized and empowered to continue the collection of State and county taxes, due therein, until the first Monday in May next, and for such purposes he shall have all the powers given to Sheriffs by the act to provide revenue for the support of the General Government of this State; and in said collection he shall be governed in all respects by said act, and he shall not be required to make his final settlement, or to return his delinquent tax list, until the second Monday in May next; *provided*, he shall make settlements in accordance with the provisions of said act, of all taxes collected before proceeding under this act.

To file new bond.

SEC. 2. Before the extension herein granted shall take effect, the said Sheriff shall file with the Clerk of the Board of Supervisors a new bond, conditioned in the sum of two thousand dollars, for the faithful discharge of the duties imposed upon him by this act.

SEC. 3. This act shall expire on the fourteenth day of May next, and during its continuance all provisions of law in conflict or inconsistent with this act, are hereby suspended.

CHAP. VIII.—*An Act to authorize the Compromise, Liquidation, and Payment, to Fletcher M. Haight, for Legal Services.*

[Approved January 18, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Limit.

SECTION 1. The Board of Supervisors of the city and county of San Francisco are hereby authorized and empowered to com-

promise, liquidate, and pay, to Fletcher M. Haight, for legal services rendered the city and county of San Francisco, or which may be hereafter rendered, under a contract made in September, one thousand eight hundred and fifty-six, with the authorities of the city and county, such sum as they may deem just and equitable, not exceeding in the whole, five thousand dollars, to be paid out of the General Fund of said city and county, which shall be audited and paid as other claims upon said fund. Liquidate claim. Amount.

CHAP. IX.—*An Act to extend the time for Collecting Taxes in the County of Contra Costa.*

[Approved January 24, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Sheriff of the county of Contra Costa is hereby authorized and empowered to continue the collection of State and county taxes due therein, until the third Monday in March next; and for such purposes he shall have all the powers given to Sheriffs by the act to provide revenue for the support of the General Government of this State; and on said collection he shall be governed in all respects by said act, and he shall not be required to make his final settlement or to return his delinquent list, until the third Monday in March next; *provided*, he shall make settlement, in accordance with the provisions of said act, of all taxes collected before proceeding under this act. Time extended. Limit.

SEC. 2. This act shall expire on the fourth Monday of March next, and during its continuance all provisions of law in conflict or inconsistent with this act, are hereby suspended. Expiration of act.

SEC. 3. Before the extension herein granted shall take effect, the said Sheriff shall file with the Clerk of the Board of Supervisors, a new bond, conditioned in the sum of two thousand dollars, for the faithful discharge of the duties imposed upon him by this act. To file new bond.

CHAP. X.—*An Act to amend an act entitled "An Act amendatory of an Act entitled 'An Act to provide for the disposal of Lots in the Towns and Villages on the Public Lands in Humboldt County,'" passed April twenty-seventh, one thousand eight hundred and fifty-five, approved April thirteenth, one thousand eight hundred and fifty-six.*

[Approved January 24, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seventh of said amendatory act is hereby amended so as to read as follows:

Who may decide.

Sec. 7. In all cases where there shall be a dispute or contest in regard to the title to any lot, or lots, or parcels of land, in the said towns, the County Judge or the corporate authorities, as the case may be, shall hear the testimony relating thereto, and shall decide upon the same and enter their decision upon their minutes of said hearing, and thereupon, in case there shall be no appeal from such decision within sixty days from the time the same is so entered, they shall then issue their certificate to the person or persons to whom the said lot, or lots, or parcels of land, may have been awarded; and in case any claimant or claimants of any such lot, or lots, or parcels of land, as may have been awarded, shall feel aggrieved by the said decision, such

Parties aggrieved.

claimant or claimants may take an appeal therefrom, to the County Court of the county of Humboldt, within sixty days from the time such decision may have been made and entered; such appeal shall be made by filing, within that time, with the said authorities, notice thereof, and with the Clerk at the said County Court, a complaint, and by serving a copy of such notice and complaint on the contesting party; and if there be more than one contesting party claiming also adversely to other contestants, then on each of said parties. The said contestant or contestants shall answer or demur at, and within, the time provided for in civil actions; and in all respects the pleadings and all proceedings shall be governed by the same rules applicable to actions commenced in a court of record, with the same

Appeal.

right of appeal and in the same manner to the Supreme Court; and when notice of appeal to the County Court shall be filed with the corporate authorities, their power to issue a certificate, as provided for in this section, shall be suspended until the appeal be dismissed, or be finally determined; and, upon such dismissal or other final determination, they shall issue said certificate to the party found by such determination entitled thereto; *provided*, that any appeal from the County Court to the Supreme Court, in any such case, shall be taken within ninety days from the final determination thereof by the County Court.

CHAP. XI.—*An Act to authorize John Wilson to sell certain Lands in San Luis Obispo County, belonging to his infant son, John D. Wilson.*

[Approved January 23, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. John Wilson of San Luis Obispo County, as Guardian, now or hereafter to be appointed, of his infant son, John D.

Authorized to sell.

Wilson, is hereby authorized to sell at public or private sale, as he may deem best for the interest of his ward, all the right, title, and interest, of the said John D. Wilson in and to a certain tract of land situate, lying, and being, in the county of San Luis Obispo, containing about one square Spanish league, and known as the rancho of San Juan Luisito, conveyed by Guadalupe Can-

tua and wife to Mariano Pacheco, Ramualdo Pacheco, and the said John D. Wilson, as joint tenants, by deed bearing date the thirtieth day of August, A. D., one thousand eight hundred and fifty-nine, and recorded in San Luis Obispo County, and to make, execute, and deliver, his deed of conveyance of said land thus sold, which deed shall convey all the right, title, and interest, of said minor, to said land, to the purchaser or purchasers.

CHAP. XII.—*An Act to repeal "An Act relative to the time of assessing the value of Real and Personal Property and collecting Taxes levied thereon for State and County purposes, in the Counties of Sierra and Plumas," so far as the provisions of said Act relate to the County of Plumas.*

[Approved January 23, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act entitled "An Act changing the time of assessing the value of the Real and Personal Property, and collecting the Taxes levied thereon for State and County purposes, in the Counties of Sierra and Plumas," approved April sixteenth, one thousand eight hundred and fifty-nine, is hereby repealed, so far as the provisions of said act relate to the county of Plumas. Exempted.

CHAP. XIII.—*An Act to extend the time for collecting Taxes in the County of Solano.*

[Approved January 23, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. B. T. Osborn, late Sheriff of Solano County and Tax Collector of said county, is hereby authorized and empowered to continue the collection of State and county taxes due in said county, until the second Monday in March next, and for such purposes he shall have all the powers given to Sheriffs and Tax Collectors by the act to provide revenue for the support of the General Government of the State, and in said collection he shall be governed in all respects by said act; and he shall not be required to make his final settlement, or to return his delinquent tax list until the second Monday in March next; *provided*, he shall make settlement in accordance with the provisions of said act of all taxes collected before proceeding under this act. Time extended.

SEC. 2. This act shall expire on the twentieth day of March next, and during its continuance all provisions of laws in conflict or inconsistent with this act, are hereby suspended. Limit.

CHAP. XIV.—*An Act to legalize the Acts of the Mayor and Common Council of San José.*

[Approved January 24, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Acts legalized.

SECTION 1. All the corporate acts of the Mayor and Common Council of the city of San José, in Santa Clara County, in this State, by reason of and in pursuance of an act of the Legislature, entitled "An Act to Incorporate the City of San José," approved March sixteenth, one thousand eight hundred and fifty-nine, are hereby declared legal, and to be of as full force and effect as though said act had not been submitted to the people, as provided in section thirty-six of said act; and said act is hereby declared to be the charter of said city.

CHAP. XV.—*An Act to extend the time for the collection of Taxes in the County of Butte for the year one thousand eight hundred and fifty-nine.*

[Approved January 24, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Time extended.

SECTION 1. The Collector of Taxes for the county of Butte shall continue the collection of State and county taxes due therein upon the delinquent tax list for the year one thousand eight hundred and fifty-nine, until the first Monday of March, one thousand eight hundred and sixty, and for such purpose he shall have all the powers given to Tax Collectors and Sheriffs by "An Act to provide Revenue for the support of the Government," and known as the revenue law of one thousand eight hundred and fifty-seven; and said Collectors shall be governed in all respects by said act, except as provided in this act.

Final settlement.

SEC. 2. The Tax Collector of Butte County shall not be required to make a final settlement, or return his final delinquent list, until the first Monday of March next.

Limit.

SEC. 3. This act shall expire on the twentieth day of March, one thousand eight hundred and sixty, and during its existence all acts in conflict with this act are hereby suspended.

CHAP. XVI.—*An Act to fix the Compensation of the District Attorney of Calaveras County.*

[Approved January 24, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The District Attorney of the county of Calaveras shall receive annually the sum of fifteen hundred dollars. Compensat'n

SEC. 2. The County Auditor of the county of Calaveras shall, monthly, on the first judicial day of each month, draw his warrant on the County Treasurer, in favor of the District Attorney, for such portion of the salary of the District Attorney as may be due under the provisions of this act, which warrants shall be paid by the County Treasurer in the same manner as other warrants drawn on the County Treasurer. Shall draw warrant.

SEC. 3. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed. Acts repealed.

CHAP. XVII.—*An Act to amend an Act entitled "An Act amendatory of, and supplementary to, an Act entitled 'An Act concerning Estray Animals,'" passed April nineteenth, one thousand eight hundred and fifty-six, approved March twenty-eighth, one thousand eight hundred and fifty-nine.*

[Approved January 24, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nine of an act entitled An Act amendatory of, and supplementary to, an Act entitled "An Act concerning Estray Animals," passed April nineteenth, one thousand eight hundred and fifty-six, approved March twenty-eighth, one thousand eight hundred and fifty-nine, is hereby amended so as to read as follows:

Sec. 9. The provisions of this act shall not apply to the counties of Trinity, Tuolumne, and Sacramento. Counties exempted.

CHAP. XVIII.—*An Act to appropriate Money for the expenses incurred in the Inauguration of Governor Milton S. Latham and Lieutenant-Governor J. G. Downey.*

[Approved January 27, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Amount. SECTION 1. The sum of seven hundred and two dollars and seventeen cents is hereby appropriated out of any money in the State treasury, not otherwise appropriated, for the payment of the expenses incurred in the inauguration of the Governor and Lieutenant-Governor elect.

To draw warrant. SEC. 2. The Controller of State is hereby directed to draw his warrants in favor of James Lansing for the sum of five hundred and twenty-two dollars and seventeen cents, and H. R. Covey for the sum of one hundred and eighty dollars.

CHAP. XIX.—*An Act appropriating Money for the Pay of Copying done for the Legislature.*

[Approved January 27, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Amount. SECTION 1. The sum of five thousand dollars is hereby appropriated out of any moneys not otherwise appropriated, for copying done for the Senate, and five thousand dollars for copying done for the Assembly, to be known as the Copying Fund of the Senate and the Copying Fund of the Assembly, respectively.

Exempted. SEC. 2. The sum appropriated by this act is hereby expressly exempted from "An Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer," approved April twenty-first, one thousand eight hundred and fifty-eight, but shall be disbursed under the direction of the body to which it may respectively belong.

CHAP. XX.—*An Act to authorize the Shasta and Yreka Turnpike Company to file certain papers, nunc pro tunc.*

[Approved January 27, 1860.]

PREAMBLE: *Whereas*, the papers required by law for the incorporation of said company were duly filed in the Recorder's Office of the county of Shasta prior to the first day of March, one thousand eight hundred and fifty-eight, and have been accidentally lost or mislaid, therefore

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. At any time before the first day of May, one thousand eight hundred and sixty, the President and Directors of the Shasta and Yreka Turnpike Company, may file, or cause to be filed, in the offices of Recorders of the counties of Shasta, Trinity, and Siskiyou, and in the office of the Secretary of State, copies of the notices, certificates, and surveys, required to be filed by section eleven of an act entitled "An Act authorizing the formation of Corporations for the construction of Plank or Turnpike Roads," passed May twelfth, one thousand eight hundred and fifty-three, and the filing and recording of such notices, certificates, and surveys, in the manner provided in said act, shall have the same force and effect as if they had been so filed and recorded in said offices within the several periods of time prescribed in said act; and the said turnpike company shall be invested with all the rights and privileges which are provided by existing laws of this State.

To file survey.

Provisions of act.

CHAP. XXI.—*An Act concerning the County Records of the County of San Luis Obispo.*

[Approved January 27, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The County Recorder of the county of San Luis Obispo is hereby authorized and required, on receipt of an order from the Board of Supervisors of said county, to transcribe, in such manner and into such books as are prescribed by section twelve of the act entitled, "An Act concerning County Recorders," passed March twenty-sixth, A. D. one thousand eight hundred and fifty-one, all the records of deeds and mortgages now existing in his office, as well as all such other legal records existing in said office and in his custody as the said Board shall deem necessary and proper.

Duties of Recorder.

SEC. 2. The transcript hereby authorized to be made shall contain in each book the whole of the corresponding record of said county appropriate to the said book, up to the date of the completion of the said transcript; and immediately upon said

Transcript.

completion it shall be the duty of the said Recorder to inscribe in such book, at the end of the portion of the transcript therein made, his certificate to the effect that the same is a full, true, and complete transcript, of the whole of the record of said county appropriate to the said book.

ooks of ecord.

SEC. 3. Immediately upon the affixing of the certificates mentioned in the last section, the books in which the same shall be inscribed, shall be and become the legal record books of the said county for the class of records to which the same are respectively appropriate, and the said Recorder shall thereafter employ and use the same as such legal books of record.

Legalize records.

SEC. 4. Such records as were legalized by the act of the Legislature of California of May fifth, A. D., one thousand eight hundred and fifty-five, to legalize certain records in the county of San Luis Obispo, shall not be transcribed in one book, but the same shall be separated, the one from the other, and shall each be transcribed in its proper order and place, in the appropriate books of record.

Limit.

SEC. 5. It shall be lawful for the Board of Supervisors of the said county, to fix a limit of time within which the said transcript shall be required to be made.

Force and effect.

SEC. 6. The transcript herein authorized to be made, and every part and parcel thereof, shall be held to have the same validity, force, and effect, as the original record; and legally certified copies thereof shall be received and read in evidence in all courts, in the same manner and with like effect as copies of the original record.

Inspection.

SEC. 7. The original books of record so transcribed as herein authorized, shall be preserved in a secure place by the said Recorder, and shall be open to inspection as other records; and nothing herein contained shall be so construed as to impair the force or validity of the same, or of any duly certified copy thereof.

Compensat'n

SEC. 8. The County Recorder shall receive for all services under this act, including the certificates to the correctness of the said transcript and making the proper notes and indexes, nine cents per folio, for all words and figures necessarily used in the said transcript, and no other compensation whatsoever shall be charged or allowed on account of services under this act; and the said Recorder shall be liable upon his official bond for the neglect or improper performance of the services herein provided to be rendered by him.

Auditing of claims.

SEC. 9. All claims for services performed under and by virtue of this act, shall be audited and allowed in the same manner as other claims against the said county, and shall be payable in warrants drawn upon the General Fund of said county.

CHAP. XXII.—*An Act to amend an Act entitled "An Act to create the County of Merced, to define its Boundaries, and to provide for its Organization," approved April nineteenth one thousand eight hundred and fifty-five.*

[Approved January 26, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fourteen of said act is hereby amended so as to read as follows:

Sec. 14. The County Judge shall receive for his services such sum annually as shall be determined by the Board of Supervisors, not to exceed one thousand five hundred dollars, to be paid in the manner provided by "An Act to fix the Compensation of County Judges and Associates of the Court of Sessions," approved May seventeenth, one thousand eight hundred and fifty-three. They may also have power to allow compensation to Grand Jurors, not to exceed three dollars per diem, and twenty cents per mile in going from their place of residence to the county seat. Compensat'n Mileage.

CHAP. XXIII.—*An Act authorizing the Board of Supervisors of Santa Clara County to issue a license for a Toll-Bridge across the Pajaro River at Malpaso, on the line between the Counties of Santa Clara and Monterey.*

[Approved January 31, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Santa Clara County are hereby authorized to issue a license, under the laws of this State relating to ferries and toll-bridges, to Isaac M. Taylor, his assigns or legal representatives, to keep a toll-bridge at Malpaso, on the Pajaro River, and on the line between the counties of Santa Clara and Monterey; *provided*, the said counties of Santa Clara and Monterey shall have the right at any time to purchase the said bridge for the purpose of making the same a free bridge, at a cost not exceeding the original contract price agreed upon between the Board of Supervisors of the said counties and the said Isaac M. Taylor, for the erection of the same, together with any additional sum the said Board of Supervisors may consider the said Taylor justly entitled to for any permanent improvements he may have made upon the same, or upon the roads leading thereto. Proviso.

CHAP. XXIV.—*An Act to extend the time for the collection of State and County Taxes in the County of Tulare.*

[Approved January 31, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Limitation. SECTION 1. The Sheriff of the county of Tulare is hereby authorized to continue the collection of the State and county taxes due in said county until the first Monday in March, one thousand eight hundred and sixty, and for such purpose he shall have all power given to the said Sheriff by any act now in force providing for revenue for the support of the government of this State, and the Sheriff of said county shall not be required to make his final settlement, or to return his delinquent list until the second Mon-

Proviso. day in April, in said year; *provided*, that the said Sheriff shall make settlement in accordance with the provisions of the said acts now in force, of all taxes collected by him, before proceeding under this act.

To give bond SEC. 2. Before making collections, as herein provided, the said Sheriff shall execute a bond to the people of the State of California, in manner and form as required by law, conditioned in the sum of three thousand dollars, for the faithful performance of all the duties required of him as such Sheriff, by the provisions of this act.

Suspension clause. SEC. 3. All laws and parts of laws in conflict or inconsistent with the provisions of this act, are hereby suspended.

CHAP. XXV.—*An Act to extend the time for the Tax Collector of the Counties of Sutter and Napa to collect the Taxes in said Counties, and make their final settlement with the Auditor.*

[Approved February 2, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Limitation. SECTION 1. The Tax Collector of the counties of Sutter and Napa shall be allowed until the first Monday of April next to collect the taxes in said counties, and to make their final settlement with the Auditor, as provided in section forty-three of the revenue law of one thousand eight hundred and fifty-seven.

Repealing clause. SEC. 2. All acts and parts of acts conflicting herewith are hereby repealed, so far as the counties of Sutter and Napa is concerned.

To take effect. SEC. 3. This act shall be in force from and after its passage.

CHAP. XXVI.—*An Act to authorize the Treasurer of State to cause the issuance of Duplicates for certain lost State Bonds.*

[Approved February 7, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Treasurer of State is hereby authorized and directed to issue to Riggs & Co., of the city of Washington, District of Columbia, or to their Agents or Attorneys, duplicates for the following described California Seven Per Cent. State Bonds, numbered, respectively, thirty-two and thirty-eight, which bonds were of the denomination of five hundred dollars, and were issued under the provisions of a statute of this State, entitled "An Act to fund the indebtedness of the State, now existing in the form of Controller's Warrants drawn on the General Fund, or that may be outstanding on the first day of January, one thousand eight hundred and fifty-seven, or Warrants issued for indebtedness accruing prior to the first of January, one thousand eight hundred and fifty-seven," approved April nineteenth, one thousand eight hundred and fifty-six, with coupons attached for the interest. Duplicate bonds. Coupons.

SEC. 2. Said duplicate bonds shall be signed by the Governor and countersigned by the Controller, and indorsed by the Treasurer of State, and shall have the seal of State affixed thereto, and the word "Duplicate" shall be written across the face thereof, to which said bonds shall be annexed the necessary coupons for the interest. To be signed.

SEC. 3. Before said duplicate bonds, or either of them shall be delivered to the said Riggs & Co., or to their Agents or Attorneys, the Treasurer of State shall demand and receive from them a bond of indemnity in the sum of two thousand four hundred dollars, said bond to be payable to the State of California, conditioned against the presentment for payment of the said original bonds. Indemnity bond.

SEC. 4. The said bond of indemnity need not be signed by the principals, but shall be executed by at least two good and sufficient securities, to be approved by the Treasurer of State. Sureties.

CHAP. XXVII.—*An Act to release the Sureties on a certain Bond.*

[Approved February 7, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sureties on a bond given to Henry Bates, State Treasurer, by the Pacific Express, for the sum of one hundred and twenty-four thousand dollars, dated the third day of January, one thousand eight hundred and fifty-seven, and conditioned to pay the interest on the funded debt of this State, Release.

CHAP. XXIV.—*An Act to extend the time for the collection of State and County Taxes in the County of Tulare.*

[Approved January 31, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Limitation. SECTION 1. The Sheriff of the county of Tulare is hereby authorized to continue the collection of the State and county taxes due in said county until the first Monday in March, one thousand eight hundred and sixty, and for such purpose he shall have all power given to the said Sheriff by any act now in force providing for revenue for the support of the government of this State, and the Sheriff of said county shall not be required to make his final settlement, or to return his delinquent list until the second Monday in April, in said year; *provided*, that the said Sheriff shall make settlement in accordance with the provisions of the said acts now in force, of all taxes collected by him, before proceeding under this act.

Proviso.

To give bond SEC. 2. Before making collections, as herein provided, the said Sheriff shall execute a bond to the people of the State of California, in manner and form as required by law, conditioned in the sum of three thousand dollars, for the faithful performance of all the duties required of him as such Sheriff, by the provisions of this act.

Suspension clause. SEC. 3. All laws and parts of laws in conflict or inconsistent with the provisions of this act, are hereby suspended.

CHAP. XXV.—*An Act to extend the time for the Tax Collector of the Counties of Sutter and Napa to collect the Taxes in said Counties, and make their final settlement with the Auditor.*

[Approved February 2, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Limitation. SECTION 1. The Tax Collector of the counties of Sutter and Napa shall be allowed until the first Monday of April next to collect the taxes in said counties, and to make their final settlement with the Auditor, as provided in section forty-three of the revenue law of one thousand eight hundred and fifty-seven.

Repealing clause. SEC. 2. All acts and parts of acts conflicting herewith are hereby repealed, so far as the counties of Sutter and Napa is concerned.

To take effect. SEC. 3. This act shall be in force from and after its passage.

CHAP. XXVI.—*An Act to authorize the Treasurer of State to cause the issuance of Duplicates for certain lost State Bonds.*

[Approved February 7, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Treasurer of State is hereby authorized and directed to issue to Riggs & Co., of the city of Washington, District of Columbia, or to their Agents or Attorneys, duplicates for the following described California Seven Per Cent. State Bonds, numbered, respectively, thirty-two and thirty-eight, which bonds were of the denomination of five hundred dollars, and were issued under the provisions of a statute of this State, entitled "An Act to fund the indebtedness of the State, now existing in the form of Controller's Warrants drawn on the General Fund, or that may be outstanding on the first day of January, one thousand eight hundred and fifty-seven, or Warrants issued for indebtedness accruing prior to the first of January, one thousand eight hundred and fifty-seven," approved April nineteenth, one thousand eight hundred and fifty-six, with coupons attached for the interest. Duplicate bonds. Coupons.

SEC. 2. Said duplicate bonds shall be signed by the Governor and countersigned by the Controller, and indorsed by the Treasurer of State, and shall have the seal of State affixed thereto, and the word "Duplicate" shall be written across the face thereof, to which said bonds shall be annexed the necessary coupons for the interest. To be signed.

SEC. 3. Before said duplicate bonds, or either of them shall be delivered to the said Riggs & Co., or to their Agents or Attorneys, the Treasurer of State shall demand and receive from them a bond of indemnity in the sum of two thousand four hundred dollars, said bond to be payable to the State of California, conditioned against the presentment for payment of the said original bonds. Indemnity bond.

SEC. 4. The said bond of indemnity need not be signed by the principals, but shall be executed by at least two good and sufficient securities, to be approved by the Treasurer of State. Sureties.

CHAP. XXVII.—*An Act to release the Sureties on a certain Bond.*

[Approved February 7, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sureties on a bond given to Henry Bates, State Treasurer, by the Pacific Express, for the sum of one hundred and twenty-four thousand dollars, dated the third day of January, one thousand eight hundred and fifty-seven, and conditioned to pay the interest on the funded debt of this State, Release.

which was due and payable in New York on the first day of July, one thousand eight hundred and fifty-seven, are hereby released from all liability on said bond.

CHAP. XXVIII.—*An Act fixing the time when General Laws shall take effect.*

[Approved February 7, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

To take effect.

SECTION 1. That no general law shall take effect until the expiration of sixty days after the passage of the same, unless otherwise provided in such law.

Repealing clause.

SEC. 2. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

CHAP. XXIX.—*An Act for the relief of Purchasers of Real Estate at Sales made by Public Administrators.*

[Approved February 7, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Conditions.

SECTION 1. When real estate has been sold by a Public Administrator, acting as such in charge of an estate, without first having obtained letters of administration, and when such sale has been made under an order of the Probate Court, and approved by the Probate Judge or Court, and a deed for the property has been executed to the purchaser or purchasers, such deed so made by such Public Administrator, is hereby confirmed and ratified, and made as valid and binding, and shall have the same force and effect as evidence, as if said officer had procured his letters of administration in accordance with law, prior to the making of such sale; and such deed so made, acknowledged according to law, and duly recorded, shall impart notice of its contents, from and after the passage of this act.

CHAP. XXX.—*An Act to amend an Act entitled "An Act supplementary to 'An Act to Reincorporate the City of Sonora,'" approved March ninth, one thousand eight hundred and fifty-five, approved February seventh, one thousand eight hundred and fifty-seven.*

[Approved February 7, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said act is hereby amended so as to read as follows:

Sec. 1. The Trustees shall have power to levy and collect a road tax of three dollars from every male person of lawful age residing in, transacting business, or pursuing any profession, trade, or occupation, within the limits of said city, and said road tax shall be collected on and after the first day of May of each year, and may be recovered by suit, in the name of the city, before any court of competent jurisdiction, with all costs of suit. The Trustees shall also have power to license exhibitions, theaters, circus companies, shows, amusements, pawnbrokers, and hawkers and peddlers, to prevent and restrain riots, and to maintain good order within the corporate limits of said city.

To levy tax.

Further powers.

CHAP. XXXI.—*An Act to amend "An Act to regulate the Settlement of the Estates of Deceased Persons," passed May first, one thousand eight hundred and fifty-one.*

[Approved February 7, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one hundred and thirty of said act is hereby amended so as to read as follows:

Sec. 130. If a claim be not presented within ten months after the first publication of the notice, it shall be barred forever; *provided*, if it be not then due, or if it be contingent, it may be presented within ten months after it shall become due or absolute; and, *provided* further, that, when it shall be made to appear by the affidavit of the claimant, to the satisfaction of the Executor or Administrator and the Probate Judge, that the claimant had no notice as provided in this act, by reason of being out of the State, it may be presented any time before a decree of distribution is entered.

Limitation of claim.

Proviso.

SEC. 2. Section one hundred and thirty-one of said act is hereby amended so as to read as follows:

Sec. 131. Every claim presented to the Executor or Administrator shall be supported by the affidavit of the claimant, or any one on his behalf, that the amount is justly due, that no payments have been made thereon, and that there are no offsets to

Affidavit to be made.

the same to the knowledge of the claimant or other affiant;
Proviso. *provided*, that when the affidavit is made by any other person than the claimant, he shall set forth in the affidavit the reasons it is not made by the claimant; the oath may be taken before any officer authorized to administer oaths; the Executor or Administrator may also require satisfactory vouchers to be produced in support of the claim.

SEC. 3. Section one hundred and thirty-three of said act is hereby amended so as to read as follows:

Sec. 133. Every claim which has been allowed by the Executor or Administrator, and approved by the Probate Judge, shall
To be filed. be filed in the Probate Court, and be ranked among the acknowledged debts of the estate, to be paid in due course of administration.

CHAP. XXXII.—*An Act to authorize the Tax Collector of Mendocino County to collect certain Delinquent Taxes, and to extend the time for the Collection of the same.*

[Approved February 7, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Tax Collector of Mendocino County is hereby
Delinquent taxes. authorized to collect the delinquent taxes which were transferred by Sonoma County to Mendocino County, in accordance with the settlement of the affairs between the two counties made in the month of May, one thousand eight hundred and fifty-nine, under and in conformity with an act entitled "An Act to define the Boundaries and provide for the Organization of Mendocino County," approved March eleventh, one thousand eight hundred and fifty-nine.

SEC. 2. The Tax Collector of Mendocino County is hereby authorized to continue the collection of State and county taxes due therein until the first Monday in May next, and for such
Limit. purposes he shall have all the powers given to Sheriffs by the act now in force to provide revenue for the support of the government of this State, and in said collection he shall be governed in all respects by said act; *provided*, said Tax Collector shall ex-
To give bond. ecute a good and sufficient bond, according to law, with two sureties, in the sum of six thousand dollars, to be approved as the official bonds of Tax Collectors required by law to be approved, and to be conditioned for the faithful discharge of the duties imposed upon him by this act.

CHAP. XXXIII.—*An Act to authorize the Boards of Supervisors of Alameda and Santa Clara Counties to make Appropriations to Agricultural Societies, and to legalize an Appropriation heretofore made.*

[Approved February 7, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Santa Clara County may, at their discretion, appropriate annually a sum, not to exceed five hundred dollars, to the Santa Clara Valley Agricultural Society; and the Board of Supervisors of Alameda County may make an annual appropriation of a sum not to exceed five hundred dollars, to the Alameda County Agricultural Society, and order said sums to be paid out of the General Fund. Money appropriated.

SEC. 2. The appropriation heretofore made to the Santa Clara Valley Agricultural Society by the Board of Supervisors of said county, is hereby legalized and confirmed. Appropriation legalized.

CHAP. XXXIV.—*An Act to amend an Act entitled "An Act to authorize the construction of certain Wharfs," approved February twenty-first, one thousand eight hundred and fifty-nine.*

[Approved February 7, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said act is hereby amended so as to read as follows:

Sec. 2. The right of way herein granted is so granted upon the express condition that the same shall, with the wharfs and improvements then upon the same, at the expiration of twenty years, revert to the State; also, that the said parties and their assigns shall proceed, in good faith, within six months after the passage of this act, to erect said wharfs, and shall, within two years after the passage of this act, establish a ferry with boats, landing, and such other conveniences as the public may require. Right of way

Conditions.

CHAP. XXXV.—*An Act explanatory of, and supplementary to, an Act entitled "An Act to amend an Act entitled 'An Act to regulate Fees in Office in certain Counties of this State,'" approved April twenty-eighth, one thousand eight hundred and fifty-seven, approved April eighteenth, one thousand eight hundred and fifty-nine.*

[Approved February 7, 1860.]

The People of the State of California, represented in Senate and Assembly do enact as follows:

County exempt.

SECTION 1. Nothing in said act, approved April eighteenth, one thousand eight hundred and fifty-nine, shall be construed as applicable to the county of San Joaquin.

CHAP. XXXVI.—*An Act fixing the Compensation of the Members of the Board of Supervisors of the County of Amador.*

[Approved February 7, 1860.]

The People of the State of California, represented in Senate and Assembly do enact as follows:

Compensation.

SECTION 1. From and after the first Monday of February, A. D., one thousand eight hundred and sixty, each member of the Board of Supervisors of the county of Amador, shall be entitled to receive monthly, for his services as a member of said Board, a sum to be fixed by the Board, not to exceed in the aggregate, the sum of six hundred dollars per annum, and he shall be entitled to receive mileage at the rate of twenty-five cents for each mile necessarily traveled in going to and returning from the county seat; *provided*, that no mileage shall be allowed for more than one trip at each term of the Board; and, *provided* further, that no Supervisor shall be allowed extra compensation by reason of his being on any committee of said Board, or for any other cause.

Repealing clause.

SEC. 2. All acts and parts of acts in conflict with the provisions of this act, so far as the same may relate to the county of Amador, are hereby repealed.

CHAP. XXXVII.—*An Act supplemental to "An Act to authorize the Board of Supervisors of Sutter County to construct a Bridge across Feather River," approved April eleventh, one thousand eight hundred and fifty-nine.*

[Approved February 7, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Sutter County are authorized to receive by subscription, a cash fund sufficient to compensate the owners of property, which may be taken for the right of way and location for the bridge and road provided for in the act to which this is supplemental; and the said Board of Supervisors shall immediately proceed and specifically locate the said bridge and lay out the said road; and the Commissioners provided for in said act shall immediately thereafter proceed and assess the damages and compensation for the right of way for said bridge and road, in the manner prescribed by section thirteen of said act, and make their report to the Board of Supervisors of the amounts so assessed; and the said Board shall then cause to be deposited in the county treasury of said county, the amount so assessed, which shall be paid in cash upon their order to the parties entitled thereto, as may be shown by said report, unless the title to the property taken shall be in dispute, in which case the amount of damages and compensation shall remain in the county treasury, as provided in said act; in assessing and paying said damages and compensation, the Board of Supervisors and the said Commissioners shall, in all things conform to the said act to which this is supplemental, except so far as it may conflict herewith.

Cash fund.

Damages.

CHAP. XXXVIII.—*An Act to extend the Time for the collection of State and County Taxes in the Counties of Sonoma, Marin, and Mendocino.*

[Approved February 9, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Sheriffs of the counties of Sonoma, Marin, and Mendocino, are hereby authorized to continue the collection of State and county taxes due in said counties until the first Monday in March, one thousand eight hundred and sixty, and for such purposes they shall have all the powers given to the said Sheriffs by any act now in force providing for revenue for the support of the government of this State; and the Sheriffs of said counties shall not be required to make their final settlements, or to return their delinquent lists until the third Monday in April, in said year; *provided*, that the said Sheriffs shall make settle-

Limit.

ment in accordance with the provisions of the said act now in force, of all taxes collected by them before proceeding under this act.

To give bond.

SEC. 2. Before making collections as herein provided, the said Sheriffs shall execute bonds to the people of the State of California, in manner and form as required by law, conditioned in the sum of three thousand dollars, for the faithful performance of all the duties required of them, as such Sheriffs, by the provisions of this act.

Repealing clause.

SEC. 3. All laws or parts of laws in conflict or inconsistent with this act, are hereby suspended.

CHAP. XXXIX.—*An Act to authorize William Green and Michael Hayes, their associates and assigns, to construct and keep in repair a certain Street in the City and County of San Francisco, and to levy and collect Tolls thereon.*

[Approved February 9, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Preamble.

WHEREAS, In the year one thousand eight hundred and fifty, for the reasons set forth in the act then passed, a charter was given to certain parties, on condition of opening, making, and keeping in repair, Mission Street, from its junction with Fourth Street, to Center Street, in the city and county of San Francisco, to levy and collect tolls thereon for a term of years; and, *whereas*, said charter is about to expire; and, *whereas*, also, the reasons which induced said charter still exist, as well as additional reasons to authorize a renewel of the same.

Conditions.

SECTION 1. William Green and Michael Hayes, their associates and assigns, shall have the liberty or franchise, on condition of macadamizing said Mission Street, between Fourth Street and Center Street, in said city and county, of holding, using, and enjoying, said improvement between the termini designated, together with the space between the sidewalks, for the period of five years from the date of the expiration of the present charter; taking for the use of it by the public, such tolls as are herein specified: For horse, mule, and rider, ten cents; for each led or drove horse or mule, five cents; for each vehicle drawn by horse or mule, twelve and a half cents; for each vehicle drawn by two or more horses or mules, twenty-five cents; for drove cattle, each, five cents; for sheep, or hogs, or other animals, each two cents; *provided*, that all funeral processions on their way to any cemetery, on or near the line of said street or road, shall pass free of tolls.

Same.

SEC. 2. The parties named in section one shall, within one year after the expiration of the existing charter, macadamize said Mission Street, between the termini designated, to the width of at least thirty-six feet, and shall fill up with earth or sand the

space on said Mission Street, between Price and Harris streets, or shall reconstruct the bridge now occupying said space; and shall, at the expiration of the five years hereinbefore mentioned, surrender and deliver over to the city and county of San Francisco, in good order and condition, said Mission Street, between Fourth and Center streets.

SEC. 3. The police laws of the city and county of San Francisco which now are or may be in force for the preservation, protection, good order, and general police, of the streets of said city and county, shall equally extend to Mission Street.

SEC. 4. Any person refusing to pay the tolls before specified, or in any manner evading the payment thereof, shall, for each offense, pay a penalty of twenty dollars, to be recovered in any court of competent jurisdiction. Penalty.

CHAP. XL.—*An Act amendatory of, and supplementary to, an Act entitled "An Act concerning the Courts of Justice of the State and Judicial Officers," passed May nineteenth, one thousand eight hundred and fifty-three.*

[Approved February 9, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section ninety-eight, article four, of chapter eleven of an act entitled "An Act concerning the Courts of Justice of this State and Judicial Officers," passed May nineteenth, one thousand eight hundred and fifty-three, is hereby amended so as to read as follows:

Sec. 98. Each of the following courts, and no other, shall have a seal: Seal.

First—The Supreme Court.
Second—The District Courts.
Third—The County Courts.
Fourth—The Courts of Sessions.
Fifth—The Probate Courts.
Sixth—The Police Judge's Court of the city and county of San Francisco.

SEC. 2. Section one hundred of said act is hereby amended so as to read as follows: Same.

Sec. 100. The several District Courts, and also the County Courts, Courts of Sessions, Probate Courts, and Police Judge's Court, of the city and county of San Francisco, for which separate seals have not been heretofore provided, shall direct their respective Clerks to procure seals which shall be devised by the respective Judges of such courts, and shall have the following inscriptions surrounding the same:

[*First*]—For the District Courts, "District Court, —— County, California," inserting the name of the county.

Second—For the County Courts, "County Court, —— County, California," inserting the name of the county.

Third—For the Courts of Sessions, "Courts of Sessions, —— County, California," inserting the name of the county.

Fourth—For the Probate Courts, "Probate Court, —— County, California," inserting the name of the county.

Fifth—For the Police Judge's Court of the city and county of San Francisco, "Police Judge's Court of the city and county of San Francisco, California."

CHAP. XLI.—*An Act to fix the Compensation of the District Attorney of the County of Contra Costa.*

[Approved February 9, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Amount. SECTION 1. The District Attorney of the county of Contra Costa shall receive for his compensation the sum of one thousand dollars per annum, payable one-fourth thereof every three months.

Duties. SEC. 2. It shall be the duty of the District Attorney to defend all suits of a civil nature brought against the county officers, in which the county of Contra Costa is the real party in interest.

To take effect. SEC. 3. This act shall take effect and be in force from and after the first day of April, one thousand eight hundred and sixty.

CHAP. XLII.—*An Act to amend an Act entitled "An Act to provide for the Support of the Indigent Sick in Yuba County," approved March thirty-first, one thousand eight hundred and fifty-six.*

[Approved February 9, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Be it enacted, that section first of an act entitled "An Act to provide for the Support of the Indigent Sick in Yuba County," shall be amended so as to read as follows:

Tax. Sec. 1. There shall be assessed and levied for the year one thousand eight hundred and sixty, and for each year hereafter, by the Board of Supervisors of Yuba County, a tax of not exceeding twenty-five cents on each one hundred dollars worth of real and personal property in said county, to be collected in the same manner, at the same time, and by the same officer, as provided by law for the collection of State and county revenue in said county.

Disposition. SEC. 2. The moneys collected under the provisions of this act shall be paid into the county treasury of said county, and

the County Treasurer shall receipt therefor and hold the same as a Special Hospital Fund of the county, to be used for the care and protection of the indigent sick of said county, and for no other object.

SEC. 3. The tax hereby authorized to be levied shall be the only tax levied and collected in Yuba County for the support of the indigent sick in said county.

SEC. 4. All acts or parts of acts in any manner conflicting with the provisions of this act, be and the same are hereby repealed. Repealing clause.

CHAP. XLIII.—*An Act to amend an Act entitled "An Act concerning Roads and Highways in certain Counties therein named," approved April twenty-second,* A. D. *one thousand eight hundred and fifty-eight.*.

[Approved February 9, 1860.]

The People of the State of California, represented in Senate and Assembly do enact as follows:

SECTION 1. Section twelve of said act is hereby amended to read as follows:

Sec. 12. The provisions of this act shall apply to, and be in force in, the counties of Contra Costa, Napa, Yolo, Solano, and San Luis Obispo.

CHAP. XLIV.—*An Act to Change the Name of Mary Louisa Muller.*

[Approved February 9, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of Mary Louisa Muller, a minor, stepdaughter of Hubertus Schardin, of the county of Nevada, is hereby changed to Mary Louisa Schardin.

CHAP. XLV.—*An Act for the Relief of A. D. Park, late County Treasurer of El Dorado County.*

[Approved February 10, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Controller of State is hereby authorized and directed to give A. D. Park, late County Treasurer of El Dorado To give credit.

County, a credit for the sum of six thousand eight hundred and ninety-two dollars and ninety-three cents, belonging to the State, said sum having been stolen from the said A. D. Park, late Treasurer aforesaid, on the morning of the twenty-ninth of September, A. D., one thousand eight hundred and fifty-nine; and the said A. D. Park, as such County Treasurer, is hereby acquitted and relieved from paying said sum of six thousand eight hundred and ninety-two dollars and ninety-three cents, aforesaid.

SEC. 2. The Board of Supervisors of El Dorado County are hereby authorized to discharge the said A. D. Park from the payment of the sum of four hundred and sixty dollars and twenty-five cents ($460 25), money belonging to said county, which was stolen on said twenty-ninth of September, A. D., one thousand eight hundred and fifty-nine.

CHAP. XLVI.—*An Act to authorize the Administrator of the Estate of Samuel J. Crosby, deceased, to sell and convey Real Estate.*

[Approved February 13, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authorized to sell.

SECTION 1. The Administrator of the estate of Samuel J. Crosby, deceased, is hereby authorized to sell at public or private sale, at his discretion, and without having first obtained an order of the Probate Court therefor, the whole or any portion of the real estate claimed by the said Samuel J. Crosby at his death, as, in the judgment of the said Administrator, shall most promote the interest of those who are entitled to said estate.

Make full report of sales.

SEC. 2. The Administrator shall make a full report of any sale or sales that he shall make, by virtue of the powers herein granted, to the Probate Court of the county of Santa Clara, and the Judge of said court shall, either in term time or vacation, in open court or in chambers, examine the same and confirm or set aside the said sale or sales, as he may deem just and proper, and for the interest of said estate.

Title valid.

SEC. 3. After the approval of the sale or sales by the Probate Court, the Administrator shall convey to the purchaser or purchasers the property so sold, and receive the purchase money therefor, and the titles so conveyed shall be as valid as if made under an order of the proper Probate Court in the due course of law.

CHAP. XLVII.—*An Act to amend an Act entitled "An Act concerning Courts of Justice of this State and Judicial Officers," passed May nineteenth, one thousand eight hundred and fifty-three.*

[Approved February 13, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fourteen of an act entitled "An Act concerning Courts of Justice in this State and Judicial Officers," passed May nineteenth, one thousand eight hundred and fifty-three, is hereby amended so as to read as follows:

Sec. 14. The District Judges shall be chosen by the qualified electors of their respective districts at the general elections, and shall enter upon the duties of their office on the first of January subsequent to their election, and shall hold office for the term of six years. When to be chosen.

SEC. 2. Section fifteen of an act, entitled "An Act concerning Courts of Justice of this State and Judicial officers," passed May nineteenth, one thousand eight hundred and fifty-three, is hereby amended so as to read as follows:

Sec. 15. In case of a vacancy in the office of District Judge, the Governor shall fill the same by granting a commission which shall continue until the election and qualification of a Judge in his place. At the first general election subsequent to the occurrence of the vacancy a Judge shall be elected, who shall qualify and enter upon the duties of his office on the first day of January subsequent to his election, and shall hold his office for the term of six years. To fill vacancy.

CHAP. XLVIII.—*An Act to authorize the Administratrix of the Estate of John McKenna, deceased, to sell Real Estate of the deceased at private or public sale.*

[Approved February 13, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Mary McKenna, Administratrix of John McKenna, late a resident of the city of Benicia, Solano County, deceased, be, and she is here by, authorized and empowered to sell such portion or portions of the real estate of which the said John McKenna died, seized and possessed, in the State of California, and any right, title, or interest, in such real estate belonging to the said decedent in his lifetime as may be sufficient to pay the debts outstanding against the estate of the said decedent, the allowance made to his family, and the expenses of administration, at such time or times, on such terms, and in such manner, whether at public or private sale, as shall be most advantageous to the said estate; *provided*, that when any sale or sales, is made under and by virtue of the authority given by this act, at least Authorized to sell. Proviso.

one-fourth of the purchase money shall be paid at the time of such sale, and the balance upon such credit as the said Administratrix may deem expedient to give, not exceeding one year, and the purchaser or purchasers shall secure the purchase money remaining unpaid by note and mortgage on the property sold, bearing interest at the rate of at least one per cent. per month.

To make full report.

SEC. 2. The said Administratrix shall make a full report of any and all such sale or sales as shall be made by her to the Probate Court of the county of Solano, and the Judge of the said court shall, at either vacation or term time, examine the same, and confirm or set aside the said sale or sales, as in other cases of sales of real estate by Executors or Administrators.

To make conveyance.

SEC. 3. The said Administratrix, upon the confirmation of any such sale or sales as hereinbefore provided, and the compliance on the part of the purchaser or purchasers with the terms of such sale or sales as set forth in section first of this act, is hereby authorized and empowered to execute, acknowledge, and deliver, to the said purchaser or purchasers, a legal conveyance of the premises sold, which shall be as valid and binding as if the same had been made by the said John McKenna in his lifetime.

CHAP. XLIX.—*An Act to give effect to Patents for Lands issued in the Names of Deceased Persons.*

[Approved February 13, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In all cases where patents for lands have been, or may hereafter be, issued, in pursuance of any law of this State or of the United States, to a person who had died or who shall hereafter die before the date of such patent, the title to the land designated therein shall inure to, and become vested in, the heirs, devisees, or assignees of such deceased patentee, as if the patent had issued to the deceased person during life.

Title to inure to.

CHAP. L.—*An Act for the Relief of D. O. Shattuck.*

[Approved February 14, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the city and county of San Francisco are hereby authorized and directed to allow to D. O. Shattuck, payable out of the General Fund, a balance of salary due him as Judge of the late Superior Court of the city of San Francisco, for the sum of two hundred and eighty-six

Back salary

dollars, for services rendered in the months of May and June, one thousand eight hundred and fifty-six, it being the same claim which was allowed by the Board of Supervisors, the fifteenth of September, A. D., one thousand eight hundred and fifty-seven, and also allowed by the City and County Auditor, receivable at par value in payment of any and all delinquent taxes due the said city and county prior to July first, one thousand eight hundred and fifty-six.

To audit.

SEC. 2. The Auditor of said city and county is hereby authorized and directed to audit the sum so allowed and issue his warrant therefor upon the General Fund, whereupon and upon presentation thereof, the Treasurer of the said city and county shall pay the same out of the General Fund, as other indebtedness of said city and county.

To surrender audited demand.

SEC. 3. Upon the allowance of said demand, payable out of the General Fund, the said Shattuck shall surrender the audited demand above alluded to, and receivable only for delinquent taxes prior to July first, one thousand eight hundred and fifty-six, and the same shall be canceled by the proper officer.

CHAP. LI.—*An Act for the Relief of the Heirs of David Morgan.*

[Approved February 14, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Who may inherit.

SECTION 1. The lawful heirs of David Morgan, or such of them as reside without this State, are hereby authorized to inherit the real estate of said David Morgan, in the same manner that a resident in this State may do; and upon the proof of heirship to the satisfaction of the County Judge, as Judge of the Probate Court of the city and county of San Francisco, the heirs of said David Morgan, by their Attorney, may apply to the Probate Court of said city and county for a decree of sale of said estate and distribution among the heirs at law, and the deed or deeds of said property duly executed by the Attorney or Attorneys of said heirs at law, shall be as valid and effectual as if said heirs resided within this State.

CHAP. LII.—*An Act to amend an Act entitled "An Act concerning the Collection of Poll Taxes and Foreign Miners' Licenses in the County of Sierra," passed April thirteenth, one thousand eight hundred and fifty-eight.*

[Approved February 14, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eleven of said act is hereby amended so as to read as follows:

Amount allowed.

Sec. 11. Each Constable and Collector shall be allowed at each monthly settlement, fifteen cents on each dollar collected for foreign miners' licenses, and fifteen cents for each dollar of poll taxes collected, and fifteen cents on each dollar collected for State and county license taxes in the preceding month, and the fees now allowed by law for enforcing the collection of the same, and no other compensation whatever, direct or indirect.

CHAP. LIII.—*An Act making an Appropriation for Deficiencies for the Eleventh Fiscal Year, ending the thirteenth day of June, one thousand eight hundred and sixty.*

[Approved February 14, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. The sum of twenty-five hundred dollars is hereby appropriated, out of any money in the General Fund not otherwise appropriated, for the purpose of carrying out the provisions of the Stamp Act.

CHAP. LIV.—*An Act to authorize the Courts of Record of this State to admit Herbert Chilion Jones as an Attorney and Counselor-at-Law.*

[Approved February 14, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Admitted to practice.

Proviso.

SECTION 1. It is hereby made lawful for any and all the Courts of Record in this State to admit Herbert Chilion Jones to practice as an Attorney and Counselor-at-Law in the same manner as if he were a citizen of the United States and of this State; *provided*, he shall first declare his intention to become a citizen as provided by the naturalization laws of the United States.

CHAP. LV.—*An Act to amend an Act entitled "An Act concerning the Courts of Justice of this State and Judicial officers," approved May nineteenth, one thousand eight hundred and fifty-three, and an Act amendatory thereof, approved April thirteenth, one thousand eight hundred and fifty-four.*

[Approved February 14, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections fifty-two and fifty-three of the act entitled "An Act concerning the Courts of Justice of this State and Judicial Officers," approved May nineteenth, one thousand eight hundred and fifty-three, are amended so as to read as follows:

Sec. 52. The Courts of Sessions shall have jurisdiction:

First—To inquire by the intervention of a Grand Jury, of all public offenses committed or triable in their respective counties. To prove jurisdiction.

Second—To try and determine all indictments found therein for all public offenses except murder, manslaughter, fighting a duel, and killing or wounding any person therein, and arson.

Third—To hear and determine appeals from Justices', Mayors', and Recorders', Courts, in cases of a criminal nature.

Sec. 53. When an indictment is found in the Court of Sessions for murder, manslaughter, fighting a duel, and killing or wounding any person therein, or arson, it shall be transmitted by the Clerk of the District Court sitting in the county, for trial; except when the indictment is found against a person holding the office of District Judge, when it shall be transmitted to the District Court of such other district as the Court of Sessions may direct. What causes transmitted.

SEC. 2. This act shall take effect from and after its passage. To take effect.

CHAP. LVI.—*An Act to amend an Act entitled "An Act to Regulate Proceedings in Criminal Cases," approved May first, one thousand eight hundred and fifty-one.*

[Approved February 14, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three hundred and nine of the act entitled "An Act to regulate Proceedings in Criminal Cases," approved May first, one thousand eight hundred and fifty-one, is amended so as to read as follows:

Sec. 309. When an indictment is found in the Court of Sessions for murder, manslaughter, fighting a duel, and killing or wounding any person therein, or arson, it shall be transmitted by the Clerk to the District Court sitting in the county, for trial, except when the indictment is found against a person holding the office of District Judge. To transmit causes to District Court.

SEC. 2. This act shall take effect from and after its passage. To take effect.

CHAP. LVII.—*An Act to amend an Act entitled "An Act concerning Passengers arriving in the Ports of this State," approved May third, one thousand eight hundred and fifty-two.*

[Approved February 15, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twelve of an act entitled "An Act concerning Passengers arriving in the Ports of the State of California," passed May third, one thousand eight hundred and fifty-two, is hereby amended so as to read as follows:

Governor to appoint.

Sec. 12. For the port of San Francisco there shall be appointed by the Governor of the State, by and with the advice and consent of the Senate, a Superintendent of Immigration, who shall in that city discharge all the duties required by this act.

Term of office and bond.

He shall hold his office for two years, and before entering upon his duties, he shall file in the office of the Secretary of State a bond with two or more sureties, in the sum of twenty-five thousand dollars, to be approved by the Governor, for the faithful performance of his duties. He shall receive a commission of ten per cent. on all moneys collected by him and paid into the State treasury under this act. He shall approve all bonds and administer all oaths or affirmations required in the discharge of his duties, as in section ten of this act. Whenever, in the city of San Francisco, it shall appear to said Superintendent, or in any other port of this State, to the Mayor thereof, that the Master or Commander of any vessel has not made a full and correct report, as in section one of this act is required, it shall be the duty of such Superintendent or Mayor to inquire into the same, and for that purpose may require the attendance of witnesses before him in the same manner, by subpena and attachment, as is provided for compelling the attendance of witnesses before District Courts in civil cases.

Depositions may be taken.

The depositions taken in writing before said Mayor or Superintendent may be read in evidence on the trial of any suit commenced for any penalty or forfeiture, or for any sum due on any bond, according to the provisions of this act, with the like effect as if regularly taken in such suit, subject to all legal exceptions thereto.

Office abolished.

SEC. 2. The office of Commissioner of Emigrants is hereby abolished, and all the duties and functions heretofore devolving upon that office, shall be performed by the Superintendent of Immigration created by this act.

Repealing clause.

SEC. 3. Section second of an act entitled "An Act to amend an Act entitled 'An Act concerning Passengers arriving in the Ports of the State of California,'" passed April second, one thousand eight hundred and fifty-three, is hereby repealed.

CHAP. LVIII.—*An Act for the Payment of the Current and Necessary Expenses of the Pacific Railroad Convention.*

[Approved February 15, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of twenty-five hundred dollars is hereby appropriated out of any money in the treasury not otherwise appropriated for the payment of the current and necessary expenses of the Pacific Railroad Convention; *provided*, that in no case shall the expenses of said Pacific Railroad Convention exceed the appropriation provided in the first section of this act. Appropriation.

SEC. 2. The Controller of State is hereby authorized and required to draw his warrant on the General Fund for the said twenty-five hundred dollars in favor of Philip Moore, Speaker of the Assembly, and I. N. Quinn, President of the Senate, and D. O. Mills, Esq., of Sacramento, as Commissioners, who are hereby constituted a Board for the disbursement of said sum. To draw warrant.

SEC. 3. The said Commissioners shall, within thirty days after the adjournment of said convention, file an account of their disbursements of said sum in the office of the Secretary of State. To file account.

SEC. 4. Any surplus of said fund remaining after the payment of the necessary expenses of said convention shall be repaid to the State Treasurer. Surplus.

SEC 5. If said Commissioners fail or refuse to serve, the Governor of this State shall appoint others to fill the vacancy; *provided*, that no charge nor allowance shall be made by said Commissioners for their services as such Commissioners. To fill vacancy.

SEC. 6. This act shall be exempted from the provisions of "An Act to create a Board of Examiners, to define their Powers and Duties, and to impose certain Duties upon the Controller and Treasurer," approved April twenty-first, one thousand eight hundred and fifty-eight. Exemption.

SEC. 7. This act shall be in force from and after its passage. To take effect.

CHAP. LIX.—*An Act to Authorize the Board of Supervisors of Colusa County to levy a Special Tax for Building Purposes.*

[Approved February 16, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the county of Colusa may, in addition to the taxes now authorized by law, levy a special tax for building purposes, not to exceed twenty-five cents on each one hundred dollars of taxable property in said county; said tax shall be collected at the same time and in like manner as other taxes for county and State purposes are collected. To levy special tax.

Limit. SEC. 2. Whenever said buildings shall be completed, furnished, and paid for, this act shall cease to be of effect.

To take effect. SEC. 3. This act shall be in force from and after its passage.

CHAP. LX.—*An Act to change the Name of Robert Goodwin to that of Robert Henry Wright.*

[Approved February 16, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Robert Goodwin's name is hereby changed to that of Robert Henry Wright.

CHAP. LXI.—*An Act to change the Term of Holding the Court of Sessions and County Court in the County of Placer.*

[Approved February 16, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

When to commence. SECTION 1. On and after the first day of July, one thousand eight hundred and sixty, the terms of the Court of Sessions and County Court in and for the county of Placer, shall commence on the second Monday of September, the fourth Monday of January, and the fourth Monday of May, in each year.

Repealing clause. SEC. 2. All acts and parts of acts, so far as they relate to the times of holding said courts in and for the county of Placer, are hereby repealed.

CHAP. LXII.—*An Act to Annex a Portion of San Joaquin County to Stanislaus County.*

[Approved February 17, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. So much of San Joaquin County as is embraced in the following lines is annexed to, and shall hereafter be, a part

Boundaries. of Stanislaus County: Commencing on the Stanislaus River, at the corner of Tuolumne and Stanislaus counties; thence running along the boundary line between Calaveras and San Joaquin counties to McDermott's Bridge, on the Calaveras River, where the range line, between ranges nine and ten, east, inter-

sects the easterly boundary of San Joaquin County; thence along said range line due south to the Stanislaus River; thence up said river to the place of beginning.

SEC. 2. George E. Drew, of San Joaquin County, and P. B. Nagle, of Stanislaus County, are hereby appointed Commissioners to locate the boundary line of the annexed territory. The Commissioners shall appoint a Surveyor to run and locate the boundary line, who shall be entitled to such compensation as is allowed by law. They shall cause the survey to be made and completed on or before the first day of June, A. D. one thousand eight hundred and sixty. They shall also cause the field-notes and a plan of survey to be deposited in the County Clerk's office of Stanislaus County, and send to the Surveyor-General of the State and to the County Clerk of the county of San Joaquin a true copy of the same to be filed, and from the time of the filing of the survey and the copies thereof, as aforesaid, the annexation shall be deemed complete for all judicial and other purposes. Line to be run and located.

SEC. 3. For the purpose of adjusting the affairs of the two counties upon a just and equitable basis, the Board of Supervisors of the county of San Joaquin shall appoint one Commissioner and the Board of Supervisors of the county of Stanislaus one Commissioner, who shall meet at Stockton, the county seat of San Joaquin County, on Wednesday, the twenty-second day of February, A. D. one thousand eight hundred and sixty, and then and there, from day to day, and until their business is completed: and they may hold adjourned meetings if necessary, make a thorough examination of the financial conditions of the first named county for the purpose of ascertaining and settling the amount of indebtedness the county of Stanislaus shall assume and become liable to pay to the county of San Joaquin. And in determining the amount to be paid by Stanislaus County to the aforesaid county, the Commissioners shall pay due regard to the assessed value of all taxable property in, and the property owned by, and the amount of indebtedness owing by the county of San Joaquin, and shall justly apportion the indebtedness which Stanislaus County is to assume; and when ascertained and certified by the Commissioners to their respective counties, the Board of Supervisors of Stanislaus County shall cause to be paid by the County Treasurer to the county of San Joaquin the sum thus certified by the Commissioners, out of any money in the Sinking Fund, hereinafter provided for, that may come into the treasury of Stanislaus County. Commissioners. Further duties.

SEC. 4. Twenty per cent. of all moneys received in the county treasury of Stanislaus County shall be set apart as a Sinking Fund to liquidate the debts due from Stanislaus County to the county of San Joaquin, and shall be paid over by the Treasurer of Stanislaus County to the Treasurer of the other named county every six months, and the Treasurer of Stanislaus County shall take a receipt therefor. Sinking fund.

SEC. 5. All laws of a general nature now in force in this State, and all other laws of a special or general character now in force in the county of Stanislaus, shall apply to the portions annexed to Stanislaus County. Certain laws applicable.

SEC. 6. All township officers chosen at the general election for the county of San Joaquin whose districts by this act may be

Duration of office.

included in portions annexed to Stanislaus County, shall continue to hold their respective offices during the term for which they were elected, and until their successors are elected and qualified.

Duties of officers.

SEC. 7. The Board of Supervisors of Stanislaus County, before the next general election, shall district the territory annexed to Stanislaus County into townships, designate the election precincts therein, and shall appoint Judges and Inspectors of the elections to be held in the precincts thus designated.

Same.

SEC. 8. The present Assessor of Stanislaus County shall be the Assessor of the annexed territory; and at any time after the field-notes and plan of survey, as required by section two of this act, have been deposited in the Clerk's office of Stanislaus County, it shall be lawful for him to assess the property in the territory so annexed; *provided*, the same is done in time as required by law.

Actions pending.

SEC. 9. All actions pending or proceedings in the nature of actions, whether original or on appeal, civil or criminal, that were commenced by a party or parties residing within the limits of the annexed territory at the time of the annexation, shall be disposed of by the tribunals and officers having jurisdiction of the same in the county of San Joaquin.

Compensation.

SEC. 10. The compensation of the Commissioners appointed to locate and mark the boundary lines, and thus appointed to adjust the indebtedness to be assumed by Stanislaus County, shall be five dollars per day for the time necessarily required to transact the business required by this act, including traveling from and back to their residences, not to exceed twenty days.

CHAP. LXIII.—*An Act to legalize the Official Acts of Hiram B. Hawkins and James T. Stewart, as County Clerks of Placer County.*

[Approved February 21, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Acts legalized.

SECTION 1. All acts done by James T. Stewart or Hiram B. Hawkins, as County Clerks of Placer County, or of any of the *ex officio* offices connected by law therewith, from June second, one thousand eight hundred and fifty-one, until June second, one thousand eight hundred and fifty-three, are hereby legalized and made valid.

Same.

SEC. 2. All certificates granted, and all records signed by said Hawkins, as Deputy in the said office of County Clerk of said county of Placer, or any of the *ex officio* offices connected therewith, during the period mentioned in the first section of this act, are hereby legalized and made valid.

CHAP. LXIV.—*An Act to grant the right to Convey Water in Pipes to supply the Inhabitants of the Town of Red Bluff.*

[Approved February 21, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The exclusive right is hereby granted to James Smart to construct and maintain suitable machinery and apparatus for raising water from the Sacramento River and conveying the same in pipes along the streets of the town of Red Bluff, and to supply the same to such inhabitants of the said town of Red Bluff as may desire to purchase. Exclusive rights.

SEC. 2. The right granted hereby shall extend for the period of twenty years, from and after the passage of this act; *provided*, however, that if the said James Smart, or his assigns, shall fail to commence the construction of said machinery and apparatus within six months, and complete the same within fifteen months, after the passage of this act, then this act shall be void. Limit. Proviso.

SEC. 3. The pipe for conveying said water shall be laid below the surface of the streets, and shall be so constructed as not in any manner to obstruct said streets, except for making necessary repairs. Conditions.

SEC. 4. Said James Smart shall at all times keep said machinery and apparatus in as good repair and condition as may be, and shall furnish water to such of the inhabitants of said town as may desire to purchase, and shall also furnish water to said town for fire purposes, gratis, whenever and wherever in said town the inhabitants shall construct fire cisterns. Shall keep in repair.

CHAP. LXV.—*An Act to authorize the Board of Managers of the San Francisco Orphan Asylum Society, or any other Orphan Asylum Society in this State, to bind as Apprentices, Clerks, and Servants, Orphan and Half-Orphan Children under their care and tuition.*

[Approved February 22, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Every orphan and half-orphan child under the care, control, support, and education, of the San Francisco Orphan Asylum Society, or any other Orphan Asylum Society in this State, or who may hereafter be placed in their charge for support and education, may, with the consent of the Board of Managers of said asylum and of his or her own free will, bind himself or herself, in writing, to serve as a clerk, apprentice, or servant, in any profession, trade, or employment—if a male under the age of twenty-one years, and if a female under the age of eighteen years, or for any shorter time, and such Indenture.

binding shall be as valid and effectual as if such infant were of full age at the time of making such engagement; *provided*, that unless such binding be for the purpose of learning a mechanical trade, the term of service of males shall expire at the age of eighteen years.

Conditions.

SEC. 2. Such consent shall be given by the orphan or half-orphan, himself or herself, and in case of half-orphans, the consent of the living parent, if residing in this State, shall also be given, if such living parent be of legal capacity to give the same; and if not, proof of his or her incapacity shall be taken by the affidavits of two credible witnesses, which affidavit shall be indorsed upon the indentures, and a certified copy of the resolution of the Board of Managers of said asylum consenting to, and authorizing, the binding of such child, male or female, shall be inserted in the articles of indenture.

Certificate.

SEC. 3. Such consent shall be signified in writing by the person entitled to give the same, by certificate, at the end of, or indorsed upon, the indentures, and not otherwise.

Age to be inserted in indenture.

SEC. 4. The age of every infant so bound shall be inserted in the indenture, and shall be taken to be the true age, without other proof; and the articles of indenture shall also contain the term of service and the profession, trade, or employment, with the conditions of such service and apprenticeship, as well on the part of the ward as of the master or mistress, with legal form and accuracy.

Compensat'n

SEC. 5. The said Board of Managers shall in all cases fix the amount of compensation, the time to be allowed for education during the period of indenture in each individual case, or the profession, trade, or employment, as the capacity of the infant may in their judgment require.

Parties to the contract.

SEC. 6. Such indentures of apprenticeship shall be executed on the part of the asylum by the President and Secretary of their Board of Managers, and the seal of the corporation affixed thereto, and by the signature and seal of such ward.

Indentures may be annulled.

SEC. 7. Such indentures of apprenticeship may be annulled and declaired void by any District Court or by a Judge thereof, or by a County Court or a Judge of said County Court in the county where the master or mistress of any such apprentice shall reside, upon satisfactory proof of any of the following causes:

First—Fraud in the contract of indenture.

Second—When such contract is not made or executed in accordance with the provisions of this act.

Third—For willful non-fulfillment by such master or mistress of the provisions of such indenture.

Fourth—Cruelty or maltreatment of such apprentice by the master or mistress; and in the case of the annulling of such indentures for any of the above causes, the accounts may be taken and adjusted by the Court or Judge for any service rendered by the apprentice for the master or mistress under such articles of indenture, and judgment shall be given for such sum as may be found equitably due to the apprentice for services so performed.

Certain act applicable.

SEC. 8. Sections fifteen, sixteen, and seventeen, of an act entitled "An Act to provide for binding Minors as Apprentices, Clerks, and Servants," approved April tenth, one thousand eight

hundred and fifty-eight, are incorporated herein and made applicable to, and part of, this act.

CHAP. LXVI.—*An Act to Appropriate Money to pay J. W. Lockwood.*

[Approved February 22, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Controller of State is hereby authorized and required to draw his warrant on the General Fund for the sum of two thousand four hundred dollars in favor of J. W. Lockwood, and the same is hereby appropriated out of any moneys in the General Fund, not otherwise appropriated, to pay the same. To draw warrant.

CHAP. LXVII.—*An Act to repeal an Act entitled "An Act concerning Roads and Highways in the County of Nevada," approved March second, one thousand eight hundred and fifty-nine, and "An Act Supplementary and Explanatory of said Act."*

[Approved February 22, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act entitled "An Act concerning Roads and Highways in the County of Nevada," approved March second, one thousand eight hundred and fifty-nine, and an act entitled "An Act supplementary and explanatory of 'An Act concerning Roads and Highways in the County of Nevada,'" approved April ninth, one thousand eight hundred and fifty-nine, are hereby repealed. Acts repealed.

CHAP. LXVIII.—*An Act to Change the Name of William C. Perry to that of William C. Miller.*

[Approved February 22, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the name of William C. Perry be, and the same is hereby, changed to that of William C. Miller, and by such latter name shall enjoy and obtain all legal rights that he might or could have under his former or original name. Name changed.

SEC. 2. This act shall take effect from and after its passage.

CHAP. LXIX.—*An Act amendatory of "An Act concerning the Eighth, Ninth, and Fifteenth, Judicial Districts of this State and the Judges thereof," approved March thirty-first, one thousand eight hundred and fifty-seven.*

[Approved February 22, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fourth of said act is hereby amended so as to read as follows:

Terms of court.

Sec. 4. The Judge of the Ninth Judicial District shall hold in each of the counties of said district three terms of his court each year, commencing as follows: In the county of Shasta on the second Mondays of March, June, and November; in the county of Siskiyou on the third Monday of January, first Monday of May, and third Monday of September; in the county of Trinity, second Mondays of April, August, and December.

To take effect.

SEC. 2. This act shall be in force from and after the date of its passage.

CHAP. LXX.—*An Act to Confirm and Legalize the Assessment Roll or Tax List of Calaveras County for the year one thousand eight hundred and fifty-nine, and to authorize the Collection of the Same.*

[Approved February 22, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Tax list legalized.

SECTION 1. The tax list or assessment roll of Calaveras County, as made and completed by the County Assessor, and corrected by the Board of Equalization of said county, for the year one thousand eight hundred and fifty-nine, is hereby confirmed and declared legal and binding as a good valid tax list or assessment roll for the year one thousand eight hundred and fifty-nine, and the delinquent taxes of the year one thousand eight hundred and fifty-eight, as therein mentioned, as filed with the Auditor of said county of Calaveras, and certified to by said Auditor, are hereby declared to be legal taxes.

Property may be sold.

SEC. 2. The Sheriff of Calaveras County, on the first Monday of April, one thousand eight hundred and sixty, or on some subsequent day to which he shall have power to postpone the sale, is hereby authorized to sell the real estate and improvements advertised in the said tax list or assessment roll, upon which the taxes and cost are unpaid, commencing at the head of the list containing it alphabetically through, unless the sale is adjourned until another day, and power is hereby given to postpone the day of commencing the sales, and to postpone the sale from day to day, after it has been commenced, if he deems the best interests of the State and county or the tax-payers, will be served by such

Proviso.

postponement; *provided*, however, he shall not have power to

postpone the day of commencing the sale for a longer time than two weeks from the first day of April; and the sale of all property advertised in said delinquent tax list shall be completed in one week after the day of commencing the sale.

SEC. 3. From and after the last day of the sale, as provided for in this act, every delinquent tax contained in said tax list or assessment roll is hereby constituted a judgment against the person or persons to whom said tax is assessed, and the Sheriff shall proceed to collect the same in the manner and by the same means as other judgments. Judgment.

SEC. 4. All acts and parts of acts conflicting with this act, so far as Calaveras County is concerned, are hereby repealed. Repealing clause.

SEC. 5. It shall be the duty of the Sheriff of Calaveras County to cause this act to be published weekly in the *Calaveras Chronicle* newspaper, published in Calaveras County; and the *San Andreas Independent*, for at least one month before the day of commencing the sale, as specified in this act. Duty of Sheriff.

SEC. 6. This act shall take effect from and after its passage. To take effect.

CHAP. LXXI.—*An Act to Fix the Terms of the County Court and Court of Sessions of the County of Nevada.*

[Approved February 22, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The regular terms of the County Court in and for the county of Nevada shall be held at the county seat of said county on the first Monday of January, May, and September, in each year. The regular terms of the Court of Sessions in and for said county shall be held on the first Monday of March, July, and November, of each year. The terms above fixed shall continue until the commencement of the next succeeding term, unless all the business of the court be sooner disposed of. When held.

SEC. 2. Whenever, in the opinion of the County Judge of said county, the public interest shall require a special term of said courts to be held on a day other than those named in the preceding section, he may, by order, direct the same; and said courts, at such special terms, shall be, and hereby are, vested with all powers now by law, vested in such courts at regular terms; and the proceedings thereof shall have the like force and effect as if had at regular terms. Special terms.

SEC. 3. All acts and parts of acts in conflict with the provisions of this act are hereby repealed. This act shall take effect from and after the first day of May, in the year one thousand eight hundred and sixty. To take effect.

CHAP. LXXII.—*An Act to extend the time for Collecting Taxes in the County of Plumas.*

[Approved February 22, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Duties of Sheriff.

SECTION 1. The Sheriff of the county of Plumas is hereby authorized and empowered to continue the collection of State and county taxes due thereon until the first Monday in May next, and for such purposes he shall have all the powers given to Sheriffs by the act to provide revenue for the support of the General Government of this State; and in said collection he shall be governed in all respects by said act, and he shall not be required to make his final settlement or return his delinquent list until the first Monday in May next; *provided*, he shall make settlement, in accordance with the provisions of said act, of all taxes collected before proceeding under this act.

Proviso.

Limit.

SEC. 2. This act shall expire on the second Monday in May next, and, during its continuance, all provisions of law in conflict or inconsistent with the act are hereby suspended.

Further duties.

SEC. 3. Before the extension herein granted shall take effect, the said Sheriff shall file with the Clerk of the Board of Supervisors a new bond, conditioned in the sum of two thousand dollars, for the faithful discharge of the duties imposed upon him by this act.

To take effect.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHAP. LXXIII.—*An Act concerning Roads and Highways in the Counties of Humboldt, Napa, and Siskiyou.*

[Approved February 22, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Power to lay out roads.

SECTION 1. The Board of Supervisors of the several counties above mentioned, shall have full power to order the laying out of public and private roads when necessary, and to vacate or alter any public or private roads whenever they shall deem the same expedient. All public roads shall be laid out to the width of sixty-six feet, and all private roads shall be laid out to the width of thirty-three feet.

Width.

Proceedings relative to construction of roads.

SEC. 2. Application for laying out, altering, or vacating, any public or private road, shall be made to the Board of Supervisors, at a regular meeting, by a petition in writing, signed by at least ten resident freeholders of the county in which said road is proposed to be or is located, setting forth the proposed starting point, route, and terminus, thereof; and if an alteration, vacation, or change, of any established road, then such proposed alteration, vacation, or change, shall be set forth in the petition;

notice of the presentation of the petition, signed by one or more of the petitioners, shall be given by some one of such petitioners, to such owner or owners, occupant or occupants, of the land over which said road is proposed to be located, vacated, or changed, as have not signed such petition, at least ten days prior to the presentation of the same; and in case the owner of such land is a non-resident of the county, then upon his Agent or Attorney; and if there be no owner, Agent, or Attorney, residing in the county, then such notice shall be deposited in the post-office, directed to said owner, or his known Agent or Attorney, at their last place of residence within this State, at least ten days before said petition shall be presented at the meeting of the Board of Supervisors, mentioned in said notice for presenting such petition; such of the said owners or occupants who have not signed such petition, shall present to the Board of Supervisors, his, her, or their, claim for damages, in writing, setting forth therein, as near as may be, the quantity of land required for the location or alteration of the proposed road, the value of the same per acre, the amount of fencing that will be required to build or remove in consequence of the proposed location or alteration, the cost of building or removing the same, and, also, a statement of such other damages as he, she, or they, may sustain; and in case any owner or occupant of land through which a public or private road is proposed to be located or altered, shall sign the petition praying for such location or alteration, or, not having signed such petition, shall have been notified as provided in this act, and shall fail or neglect to present his, her, or their, claim for damages, as in this section provided for, the same shall be forever waived; *provided*, that the expenses of all proceedings required by this act, in locating, vacating, or changing, a public or private road, shall be paid by the petitioner.

Unknown owner.

Failure to present claim.

SEC. 3. Upon receiving the petition and satisfactory evidence that notice has been posted and given as herein before required, the Board of Supervisors shall proceed to hear and determine all objections that may be made to the location, alteration, or discontinuance, of the proposed road, and if they shall be of the opinion that such location, alteration, or discontinuance, is necessary, they shall appoint two disinterested resident freeholders of the county, who, together with the County Surveyor, shall act as a Board of Commissioners, to view, locate, alter, or discontinue, said road, as the case may be; said Commissioners shall take an oath faithfully to discharge their duty, to view, locate, alter, or discontinue, the road, as the case may be, having due regard for the public interests, the rights of private parties, the quality of the ground, and the intermediate points in the proposed route; they shall also make a fair estimate of the damages which will be sustained by the owners and occupants of the land over which the road may pass, basing such estimate upon a fair valuation per acre of the land required, the probable cost of fencing, and such other damages as the claimant may sustain, always taking into consideration, in estimating such damages, the advantages which may be derived to the owner or occupant from such road passing over his land.

Duties of Board of Supervisors.

SEC. 4. The Commissioners so appointed shall make a report in writing to the Board of Supervisors, at their regular session

To report.

held next after their appointment, and in said report shall state particularly:

First—Who of them were present at the view.

Secondly—Whether they were severally sworn or affirmed.

Third—Whether the road desired be necessary for a public or private road, or whether the proposed alterations or discontinuance be expedient.

They shall also annex to their report and return to the Board of Supervisors, a plat or draft of the proposed location or alteration of the road, stating the courses and distances, and noting briefly the improvements through which it may pass. They shall also set forth in said report a statement of the damages which will be sustained by each owner and occupant of the land over which said road may pass, who may have presented a claim for damages. They shall particularly set forth in said report a statement of the number of acres belonging to each of such owners or occupants of the land over which said road will pass, the value of such land per acre, the amount of fencing which each of such owners or occupants will be compelled to erect or remove in consequence of such proposed location or alteration, and the cost of the same. Two of such Commissioners shall receive for their services three dollars per day, and the County Surveyor shall receive his fees as provided by law.

Compensat'n

SEC. 5. Upon receiving the report of the Commissioners, the Board of Supervisors shall immediately proceed to act upon the same; and if the report be approved by the Board they may award such damages to the claimants as in their judgment are equitable. Their award shall be in writing, signed by the Chairman of the Board, and shall be filed with the Clerk of the Board. If they approve of the report, they shall then make an order that the road be immediately opened, altered, or discontinued, as the case may be; *provided*, that before opening or altering any road as herein provided, in case of a public road, the Board of Supervisors shall cause to be delivered or tendered to the owners or occupants of the land over which the same shall pass, an Auditor's warrant, upon the General County Fund, for the damages mentioned in their award; and no such road shall be opened or altered through any inclosed grounds having any growing or unharvested crops thereon, until such crops shall be harvested and removed; and in case of a private road, it shall not be opened until the amount of damages shall be paid or tendered to such owner or owners of land by the petitioners or parties interested.

To award damages.

Claimant may appeal.

SEC. 6. If the claimant be dissatisfied with the amount of damages awarded by the Board of Supervisors, he may take an appeal from their award to the County Court, where the case shall be tried in the same manner as cases on appeal from Justices' Courts; said appeal shall be taken by filing notice thereof with the Clerk of the Board of Supervisors, and serving a copy upon the District Attorney of the county, within thirty days from the filing of said award. And it is hereby made the duty of the District Attorney to defend the county against the claimant upon said appeal.

Transmit notice of appeal.

SEC. 7. Within two days after filing said notice of appeal, the Clerk of the Board of Supervisors shall transmit the same, to-

gether with a certified copy of the claim for damages filed by the claimant; also, a certified copy of the report of the Commissioners, and of the award of damages made by the Supervisors; and the Board of Supervisors shall direct the County Auditor to draw a warrant upon the General County Fund in favor of the claimant for such sum in damages as may be ultimately recovered by the claimant on appeal; *provided*, the Board of Supervisors shall have the power to order a review of such road, if they shall deem the same necessary, when the same proceedings shall be had anew; such review shall be upon petition, and such petitioners shall be at all expense of such review.

To draw warrant.

SEC. 8. The Board of Supervisors for the year one thousand eight hundred and sixty, shall, within sixty days after the passage of this act, and each year thereafter, at their first regular meeting of the Board in each year, make such alterations in the present road districts as they may deem expedient, and may create new road districts; and they shall appoint a Road Overseer for each district, who shall hold his office for the term of one year from the date of his appointment; the Board of Supervisors may at any time remove such Overseer from office, for a failure to perform any of his duties, and shall fill all vacancies occasioned by death, resignation, or otherwise; the Clerk of the Board of Supervisors shall issue a notice of his appointment to each Overseer, within two days from the time of his appointment, and shall describe therein the number, or name, and boundaries, of his road district; such Overseer shall, within ten days from the time of receiving notice of his appointment, take and subscribe the usual oath of office, and shall execute a bond to the people of the State of California, with two or more sufficient sureties, in a sum double the probable amount of road moneys that may come into his hands, to be fixed upon by the Board of Supervisors, which said bond shall be approved by the Board of Supervisors, and shall be conditioned upon the faithful discharge of the duties of his office, and the payment by him to the County Treasurer, within two days after his annual settlement with the Board of Supervisors, as hereinafter provided, of all moneys which may be found due, in his possession, to the Road Fund; and it is hereby made the duty of the District Attorney to institute and prosecute any and all suits upon bonds executed in pursuance of this section under the direction of the Board of Supervisors, and all moneys recovered in any such suit shall be paid into the Road Fund.

May alter road district

Duty of District Attorney.

SEC. 9. The Board of Supervisors shall have power, and it is hereby made their duty, to levy a road tax on all able-bodied men between the age of twenty-one and sixty years, which shall not exceed four dollars per annum, and a property tax of not less than ten, nor more than sixty, cents upon each one hundred dollars value of taxable property in the county, as assessed the year preceding the levy of said tax, for road purposes; such tax shall be levied for the year eighteen hundred and sixty, within sixty days after the passage of this act, and for every year thereafter. At the first regular meeting of the Board in each year, said Board shall cause a duplicate of such assessment and tax so levied, to be made out for each separate road district as soon thereafter as practicable, and may call to their assistance the

To levy road tax.

Assessor who made the assessment, and the Road Overseer of each district, to assist in arranging the assessment and tax within the road district where the assessed property is situated, for which assistance the Board may allow them such compensation as they may deem just and reasonable, out of the General County Fund.

Compensat'n

Duties of Clerk of Board.

SEC. 10. The Clerk of the Board shall, as soon as the several duplicates shall be completed, make a true copy of each, and shall add thereto his certificate to that effect, and shall cause the same to be delivered to each of the said Road Overseers, who immediately upon the receipt thereof shall have full power, and it is hereby made their duty, to enforce the collection, and receive the taxes therein set forth, or any part thereof, until the first Monday of August in each year, when he shall return the said duplicate to the said Clerk, with his account of the taxes collected, and a list of the delinquents, if any, with the amount of each delinquency; and such delinquent list so returned, the the Board shall cause to be collected in the same manner as the delinquent list of State and county taxes of the preceding year shall be directed by law to be collected; *provided*, that the tax levied by the Board under the provisions of this act, other than the property tax, shall be collected exclusively by the Road Overseers of the respective districts. The fees of the said Overseer for collection of taxes under the provisions of this act shall be five per cent. upon all moneys collected by him.

Fees of Overseer.

Lien created

SEC. 11. The taxes levied under the provisions or authority of this act, are hereby made a judgment against the person and a lien against the property assessed, which lien shall attach and judgment date as of the date of their levy by said Board in each year, and shall have the full force and effect of an execution against all property of the delinquent, which judgment shall not be satisfied or the lien be removed until the taxes are all paid, or the property has absolutely vested in a purchaser under a sale for taxes.

Highways to be kept clear.

SEC. 12. The Road Overseers of their respective districts shall cause all the public highways within their districts to be kept clear of obstructions, and in good repair, causing banks to be graded, bridges and causeways to be made, when the same may be necessary, to keep the same in good repair, and to renew them when destroyed, and shall cause guide-boards to be erected at each intersection of such highways, and for the purpose shall have full power to contract for labor and materials for that purpose; and said Overseers may, in their discretion, allow any taxpayer in their district to commute their tax by furnishing such labor or materials as shall be deemed necessary by such Overseer, but only upon such terms as the same can be procured for in cash in the neighborhood; *provided*, that the building of bridges and repairing thereof, when the estimated cost exceeds fifty dollars, shall be let at public auction by the Overseer, to the lowest responsible bidder, under the direction of the Board of Supervisors, after ten days' public notice, posted in three public places in the district, and, when required by the Board of Supervisors, shall let any other contract for the repair of roads or bridges, as by them directed.

SEC. 13. Each Overseer shall, on the first Monday in August

in each year, present to the Board of Supervisors a correct account of all moneys by him collected and expended, and the amount collected from each tax-payer of property tax, and a list of the names of the persons liable to pay the tax levied by the Board, other than property tax, and shall verify the same by his oath, and the Board of Supervisors shall have power to examine each Overseer upon his oath touching his accounts so presented. Any Overseer failing, refusing, or neglecting, to perform any of the duties prescribed by this act, shall be deemed guilty of a misdemeanor, and, on conviction thereof before any Justice of the Peace in the county, shall be fined in any sum not exceeding two hundred dollars, for which fine his official bond shall be liable, and when collected, shall be paid into the county treasury, to the credit of the Road Fund of the county. Overseers shall receive such reasonable compensation for the time actually employed by them in the performance of their duties, as the Board shall determine, not to exceed four dollars per day, to be paid out of the Road Fund raised by this act.

Duties of Overseer.

Penalty.

SEC. 14. Any person willfully obstructing any public or private road, by fencing across the road, or obstructing or changing the same in any manner, without first having proceeded to change the road in the manner herein before set forth, or shall obstruct any public road by felling any tree across the same, or by placing any other obstruction therein, or shall injure any bridge or causeway, or remove any portion thereof, or damming, digging, or deepening, a creek or river, or its banks, so as to destroy a ford or crossing, or shall ride or drive faster than a walk over any bridge on any public road, the length of which is over twenty-five feet, shall be guilty of a misdemeanor and be liable to a prosecution before any Justice of the Peace by any Supervisor of the county, or Overseer of the road district, on behalf of the people of the State of California, and on conviction thereof shall be fined in any sum not exceeding two hundred dollars, and the judgment of the Justice may require that the person be imprisoned in the county jail until the fine be paid, at the rate of one day for every two dollars fine; one-half of the fine, if paid, after deducting the cost of prosecution, shall go to the prosecutor, and one-half to be paid into the county treasury to the credit of the Road Fund. All acts inconsistent with this act are hereby repealed.

Obstructing roads a misdemeanor.

Penalty.

SEC. 15. This act shall be in force from and after its passage.

To take effect.

CHAP. LXXIV.—*An Act to amend "An Act supplementary to an Act entitled 'An Act to Fund the Debt of Siskiyou County,'" approved April twenty-ninth, one thousand eight hundred and fifty-seven, and amended and approved February twenty-second, one thousand eight hundred and fifty-eight.*

[Approved February 23, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eight of said act, of which this is amendatory and supplementary to, shall be amended so as to read as follows:

Sec. 8. In addition to the ordinary taxes for county purposes, there shall be for the year one thousand eight hundred and sixty, and annually thereafter until the principal and interest of said bonds issued shall be fully provided for, as hereinafter provided, to be levied and collected at the same time and in the same manner as other revenues of said county, a special tax, to be called the "Interest Tax," of seventy-five cents on each one hundred dollars of taxable property in said county, which tax shall be collected in the legal currency of the State of California, and paid over to the County Treasurer; the fund derived from this tax shall be applied only to the payment of the interest accruing upon said bonds as herein provided; *provided*, however, that should said fund furnish a surplus over and above what may be required for the payment of said interest, such surplus shall be turned over and paid into the Sinking Fund herein provided for.

Special tax levied.

Proviso.

CHAP. LXXV.—*An Act to authorize the Board of Supervisors of Siskiyou County to Transfer certain Funds.*

[Approved February 23, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Siskiyou County are hereby authorized and empowered to transfer all moneys in the treasury of said county belonging to the Interest and Sinking Fund arising from revenues for the year one thousand eight hundred and fifty-nine, and which have been or shall be collected and paid into the treasury after the first day of January, one thousand eight hundred and sixty, from said fund into the General Fund of said county; *provided*, the same shall not exceed the sum of three thousand three hundred and fifty-three dollars and eighty-eight cents.

Moneys transferred.

CHAP. LXXVI.—*An Act for the Relief of Joshua D. Crippen, Sheriff of Mariposa County.*

[Approved February 24, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The County Treasurer and the County Auditor of the county of Mariposa are hereby authorized and directed, in their next settlement with Joshua D. Crippen, Sheriff of Mariposa County, to give him, as Sheriff and *ex officio* Collector of Foreign Miners' Licenses of said county, a credit for the sum of two hundred and fifty-two dollars, belonging to the State and county of Mariposa, it being for sixty-three foreign miners' licenses lost by S. E. McEwen, Deputy Collector of Foreign Miners' Licenses of Mariposa County, during the month of October, A. D. one thousand eight hundred and fifty-nine, and the said Joshua D. Crippen is hereby acquitted and relieved from paying for sixty-three foreign miners' licenses, so lost as aforesaid. To give credit.

CHAP. LXXVII.—*An Act to Compensate the Resident Director of the State Prison.*

[Approved February 24, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of two thousand two hundred and thirty dollars is hereby appropriated, out of any moneys in the General Fund, not otherwise appropriated, to pay Joseph Walkup for services as Resident Director of the State Prison in the year one thousand eight hundred and fifty-eight, and the Controller of State is hereby authorized and required to draw his warrant in favor of Joseph Walkup on the General Fund, for the sum of two thousand two hundred and thirty dollars, and the Treasurer of State is required to pay the same; *provided*, that the said Joseph Walkup shall not be allowed any further and additional compensation for services rendered during the year one thousand eight hundred and fifty-eight, either for acting as Warden, for sitting as a member of the Board of Directors of said Prison, or for services at said prison. Amount appropriat'd. Proviso.

CHAP. LXXVIII.—*An Act to authorize William Potter to sell certain Real Estate.*

[Approved February 24, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Right to sell property.

SECTION 1. It shall be lawful for William Potter, Guardian for James K. Polk Potter, infant and minor heir of John Potter, deceased, to apply by petition to the Probate Judge of the county of Butte, for leave to sell at public or private sale, at the discretion of the said Judge, the interest of the said minor heir in the whole or any portion of the lands known as the rancho of Farewell, or Porter's Ranch, situated in said county.

Conditions of sale.

SEC. 2. Upon the filing of said petition, and upon like notice as is required by law in the cases of the sales of real estate made upon the order of the Probate Judge by Executors and Administrators, and upon a prayer showing before the said Probate Judge, to his satisfaction, that such sale is necessary, or for the interest of his said infant ward, the Probate Judge may make an order authorizing said Guardian to sell said land, or such part thereof, as he may deem proper or necessary, at public or private sale, upon such terms as the said Judge may, in his discretion, direct.

Guardian to report.

SEC. 3. Upon the order of the Probate Judge, as herein provided, the said Guardian shall proceed to sell said land, or such portion thereof as the said order may direct, and within sixty days thereafter shall report to the said court, all his transactions and doings under said order in reference to said sale.

May confirm sale.

SEC. 4. Upon the receipt of said report, if the Probate Judge shall be satisfied that the terms of said order of sale have been complied with, and that said sale has been lawfully made and fairly conducted, and that said land has been sold for a fair and adequate price, he may make an order confirming and ratifying said sale, and authorizing and directing said Guardian to make, execute, and deliver, to the purchaser or purchasers of said land, security for the purchase money, or any portion thereof, as the court may direct.

Order of sale to be recorded.

SEC. 5. The order of sale and the order of confirmation mentioned in the foregoing sections of this act, shall be recorded in the Recorder's office of the county of Butte; and all deeds made and executed under the provisions of this act, shall recite the act by its title, and refer to the record of the order of sale and the order of confirmation.

CHAP. LXXIX.—*An Act to appropriate Money to Pay W. T. Barbour.*

[Approved February 24, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of seven thousand two hundred dollars is hereby appropriated, out of the General Fund of the treasury, not otherwise appropriated, to pay William T. Barbour the amount of a judgment which he now holds against the State of California, the sum being for back salary due and unpaid said Barbour as District Judge of the Tenth Judicial District. Appropriation.

SEC. 2. The amount hereby appropriated shall be in full satisfaction of the claim and judgment of the said Barbour for back salary due him as late Judge of the Tenth Judicial District. Full satisfaction.

SEC. 3. Before the money appropriated by this act shall be drawn from the treasury, the said William T. Barbour shall enter satisfaction of judgment obtained by him in the District Court of the Tenth Judicial District, in and for Yuba County, against the State of California. Shall enter satisfaction of judgment.

CHAP. LXXX.—*An Act to authorize John S. Berry, Administrator of the Estate of F. P. Bohem, deceased, to sell certain Real Estate in Butte County.*

[Approved February 24, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for John S. Berry, Administrator of the estate of F. P. Bohem, deceased, to sell all the real estate belonging to said estate in Butte County, California, at public or private sale, as may be most advantageous to said estate. Authorized to sell.

SEC. 2. That, in case of any sales under the authority of the Administrator, as above provided, he may execute to the vendee or vendees of the real estate so sold, all necessary and sufficient conveyances therefor. To execute conveyance.

SEC. 3. That, in case of any sale, as herein provided, the Probate Judge shall require the said Administrator to file his bonds, with additional securities for the faithful discharge of the duties as such Administrator, under this act. The securities on this bond, by this section required to be taken, shall justify in the amount for which they shall become liable, in the same manner as sureties are now required by law to justify in other cases of sale under order of the Probate Court. To file bond.

SEC. 4. The said Administrator shall make a full report of the sale or sales of real estate to the Probate Court of Butte County, within a reasonable time thereafter, and said court shall confirm To make a report.

or reject said sale or sales, as in other cases of sales of real estate by Executors or Administrators, and the Administrator shall make no conveyance of real estate sold under this act, nor shall such sale become valid unless the sale be first confirmed and approved by the Probate Judge.

To take effect.

SEC. 5. This act shall be in force from and after its passage.

CHAP. LXXXI.—*An Act to amend "An Act to fix the Times of Holding the County Court, Probate Court, and Court of Sessions, of Sierra County," approved March sixth, one thousand eight hundred and fifty-eight.*

[Approved February 25, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said act is hereby amended so as to read as follows:

Terms of court.

Sec. 1. The Court of Sessions, County Court, and Probate Court, of the county of Sierra, shall be holden on the first Mondays of April, August, October, and December, of each year.

SEC. 2. Sections six, seven, eight, and nine, of said act, are hereby repealed.

To take effect.

SEC. 3. This act shall take effect from and after its passage.

CHAP. LXXXII.—*An Act Empowering the Board of Supervisors of Shasta County to allow the Account of J. C. Hinckley & Co., for Publishing certain Delinquent Tax Lists.*

[Approved February 25, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

To allow claim.

SECTION 1. The Board of Supervisors of Shasta County are hereby authorized and empowered, in their discretion, to allow the account of J. C. Hinckley & Co. for a balance due them for the publication of the delinquent tax lists for said county, for the fiscal years one thousand eight hundred and fifty-seven, one thousand eight hundred and fifty-eight, and one thousand eight hundred and fifty-nine; *provided*, such allowance shall not exceed the sum of one thousand and six dollars.

Proviso.

To take effect.

SEC. 2. This act shall be in force from and after its passage.

CHAP. LXXXIII.—*An Act in Relation to the Mountain Lake Water Company.*

[Approved February 27, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time within which the Mountain Lake Water Company shall introduce water into the city of San Francisco, as provided in "An Act for the Relief of the Mountain Lake Water Company," approved March eighteenth, one thousand eight hundred and fifty-eight, is hereby extended for two years, from the first day of March, one thousand eight hundred and sixty. Time extended.

CHAP. LXXXIV.—*An Act to authorize the Board of Supervisors of Del Norte County to levy an Additional Tax for County Purposes.*

[Approved March 1, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the county of Del Norte are hereby authorized and empowered annually to levy and collect an *ad valorem* tax, not to exceed seventy-five cents upon each one hundred dollars value of taxable property in said county, in addition to the taxes now authorized to be levied and collected. To levy tax.

SEC. 2. Said tax when collected shall be paid into the General Fund of the county; *provided*, that the Board of Supervisors may set aside a portion of the fund arising from said additional tax, not exceeding ten per cent. of the amount, as a cash Contingent Fund, subject to the order of the Board, for cash payments on account of said county. Disposition.

SEC. 3. The tax herein provided for shall be levied and collected at the same time and in the same manner as other taxes required to be levied and collected by the revenue law of the State. Levying and collecting.

CHAP. LXXXV.—*An Act amendatory of, and supplementary to, "An Act authorizing the Guardian or Guardians of certain Minors to sell and dispose of their Real Estate and Chattels Real," approved April eighth, one thousand eight hundred and fifty-nine.*

[Approved March 1, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Power granted to Guardian.

SECTION 1. Sec. 2. The Guardian of the minor heirs of Nemecio Berreyessa, deceased, shall have the same power of disposal of the real estate belonging to said minors as is given to the other Guardians mentioned in the first section of the act to which this is amendatory and supplemental, subject to the same conditions and restrictions as contained in said first section.

Legality of conveyances

SEC. 2. Sec. 3. All conveyances made by the Guardian of the minor heirs of said Nemecio Berreyessa, deceased, since the passage of the act to which this is amendatory and supplemental, and which have been approved by the Probate Judge of the proper county, shall be as valid and effectual as if made under the authority of said act; *provided*, the provisions thereof have in all respects been complied with.

CHAP. LXXXVI.—*An Act supplementary to an Act entitled "An Act granting the Right of Way over certain Lands of this State in the Counties of San Francisco and San Mateo," approved April twenty-sixth, one thousand eight hundred and fifty-eight.*

[Approved March 1, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Extension of road.

SECTION 1. The company organized in pursuance of the act to which this act is amendatory shall have the right to extend the road mentioned in said act in a northerly direction to Mission Creek, and shall also have the right to erect a toll-gate upon the Potrero Nueva at any point they may deem expedient; *provided*, the said company shall not have the right to erect more than one toll-gate north of their present gate near Islep's Creek;

Proviso.

and *provided*, also, that the parties passing through the gate on the Potrero Nueva, from the direction of San Francisco, shall receive at said gate a ticket, which shall be received on the return of such person at the gate aforesaid in lieu of additional toll, in case the party has not passed the second gate, located near Islep's Creek, as aforesaid; and *provided*, also, that no toll shall be collected at the said toll-gate to be erected on Potrero Nueva until Brannan Street shall be macadamized to the width of twenty feet; and *provided*, also, that the tolls upon said road, for the period of three years from the passage of this act, shall not be higher than the rates following: For vehicles drawn by four

animals, seventy-five cents; for vehicles drawn by two animals, fifty cents; for vehicles drawn by one animal, twenty cents; for each animal rode or led over the road, ten cents; and that after the period of three years the Boards of Supervisors of the city and county of San Francisco and of the county of San Mateo shall have the right to regulate the same; *provided*, however, that no toll shall be collected at said toll-gate on the Potrero Nueva for a longer term than three years. Rates of toll.

SEC. 2. This act shall take effect from and after its passage. To take effect.

CHAP. LXXXVII.—*An Act fixing the Time of holding the Court of Sessions and the County Court in the County of Sacramento.*

[Approved March 1, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Court of Sessions in the county of Sacramento, shall hereafter be held on the first Monday of January, April, June, and September, in each year, and shall continue until the business is disposed of. Time of holding court.

SEC. 2. The County Court shall be held at the same time, and its business be arranged by order of the County Judge, so as not to interfere with that of the Court of Sessions. Same.

SEC. 3. The trial jury summoned for the Court of Sessions shall be also the jury for the County Court; *provided*, that all jury trials in the County Court shall be by a jury of six, unless a greater number be demanded. Trial jury.

SEC. 4. Special terms of said courts may be held at any time when the public interests require the same, upon giving ten days' notice by the County Judge. Special terms.

SEC. 5. All acts or parts of acts, so far as they conflict with the provisions of this act, are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage.

CHAP. LXXXVIII.—*An Act to Fix the Salary of the County Judge of Tuolumne County.*

[Approved March 1, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The salary of the County Judge of Tuolumne County, from and after the first day of April, one thousand eight hundred and sixty, shall be three thousand dollars per annum. Salary.

SEC. 2. It shall be the duty of the Supervisors of the county of Tuolumne, annually, to levy and collect, in the same manner Duty of Supervisors.

that the State and county taxes are levied and collected, a sum sufficient to pay the salary of the County Judge of said county.

Repealing clause.

SEC. 3. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SEC. 4. This act shall go into effect from and after its passage.

CHAP. LXXXIX.—*An Act Creating a Contingent Fund for the County of Tuolumne.*

[Approved March 2, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Special tax.

SECTION 1. The Board of Supervisors of Tuolumne County are hereby authorized and empowered to levy a special tax, not exceeding the sum of six cents on each hundred dollars of taxable property in said county, for the purpose of creating a Contingent Fund, which shall be subject to the order of the Board of Supervisors in payment for repairing public buildings, stationery, books, fuel, water, lights, and clothing, for prisoners in the county jail.

Manner of levying, etc.

SEC. 2. The tax thus levied shall be collected in the same manner prescribed for the collection of taxes for State and county purposes, and when so collected shall be paid into the county treasury to the credit of the Contingent Fund.

To revert to General Fund.

SEC. 3. At the end of each fiscal year, any sum remaining in the Contingent Fund upon which no order shall have been allowed, shall revert to the General Fund, and be placed to the credit thereof.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHAP. XC.—*An Act to provide for the Building of a Turnpike or Gravel Road in Santa Clara County.*

[Approved March 5, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

To be submitted to the people.

SECTION 1. At the next general election there shall be submitted to the qualified voters of Santa Clara County, the question of levying a special tax for the purpose of building a Turnpike or Gravel Road from the city of San José to the town of Alviso, in said county, in the following manner: By ballots marked "For the Road," "Against the Road," and "Alameda Road," "First Street Road." Should a majority voting on the proposition vote for the road, the Board of Supervisors shall levy a tax of one-fourth of one per cent. upon all taxable prop-

erty in said county, to be collected in pursuance of the revenue laws of this State, which tax shall be set aside and constitute a Road Fund, and be appropriated to the building of said road.

Application of funds.

SEC. 2. Should a majority of those voting on the proposition vote "Alameda Road," the Board of Supervisors shall cause said funds to be applied to the road leading through the Alameda *via* the town of Santa Clara, in the manner hereinafter provided. If a majority of those voting on the proposition vote for the "First Street Road," then the fund shall be applied to the construction of a road running along in a continuous line with First Street, in the city of San José, to Alviso, as hereinafter provided.

To appoint Commissioners.

SEC. 3. The Board of Supervisors shall, at their first regular meeting after said election, appoint three Commissioners, whose duty it shall be to ascertain and estimate the cost of building such road, and report the same to the Board of Supervisors at a meeting called for that purpose, and said Commissioners shall receive such compensation as the Supervisors may allow, not to exceed three dollars per day, for each day's actual service.

Duty of.

SEC. 4. Said Commissioners shall proceed with the County Surveyor to view the road selected, and advertise in a newspaper, to be by them selected, for twenty days, the time, place, and manner, of letting the contract to build said road, in accordance with a plan or specification, either furnished or approved by the Board of Supervisors; which specification shall require said road to be completed within twelve months from the letting of the contract. The Commissioners shall award the contract to the lowest responsible bidder, under the instructions and subject to the approval of the Board of Supervisors. Should the Board of Supervisors fail to approve of the award of the contract, the Commissioners shall, at any time within ten days, proceed to let the contract anew.

To draw warrant.

SEC. 5. The Board of Supervisors shall, if demanded, after one-half of said road has been completed, in accordance with the specifications in the contract, and upon a certificate from the aforesaid Commissioners, authorize the County Auditor to draw his warrant upon the said Road Fund for one-fourth of the contract price; and when three-fourths of the road shall be completed and certified to in like manner, the Contractors shall be entitled to a similar warrant for an additional one-fourth; and when the road shall be completed and received by the aforesaid Commissioners, which shall appear by their certificates, then the Board of Supervisors shall authorize the County Auditor to draw his warrant for the residue.

To reduce taxation.

SEC. 6. If the Board of Supervisors should ascertain that a smaller rate per cent. of taxation would be sufficient to construct said road, then it is made their duty to levy the tax at such lesser rate.

Surplus.

SEC. 7. If, after the completion of said road, any surplus remain in said Road Fund, it shall go into and remain a part of the County Road Fund of said county.

May call special election.

SEC. 8. The Board of Supervisors, if they deem it expedient, may call a special election at any time before the next general election, for the purposes and in the manner provided in this act, first giving notice for thirty days previous to said election,

by publishing said notice in the newspapers published in said county, and said election shall have the same force and effect as if held at the general election, as provided in section one of this act.

CHAP. XCI.—*An Act to give Immediate Effect to an Act therein named.*

[Approved March 5, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

To take immediate effect.

SECTION 1. An Act entitled "An Act to amend an Act entitled 'An Act concerning Passengers arriving in the Ports of this State,'" approved May third, one thousand eight hundred and fifty-two, approved February fifteenth, one thousand eight hundred and sixty, shall take effect and be in force immediately.

SEC. 2. This act shall go into effect immediately after its passage.

CHAP. XCII.—*An Act to Change the Name of Andrew Jackson Knectle to Andrew Jackson Brewer.*

[Approved March 5, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Change of name.

SECTION 1. The name of Andrew Jackson Knectle is hereby changed to Andrew Jackson Brewer.

CHAP. XCIII.—*An Act to authorize Martha Buckelew and her Assigns to Build a Wharf at Agnes Island in Marin County.*

[Approved March 5, 1860.]

The People of the State of California, represented in Senate and Assembly do enact as follows:

Right granted.

SECTION 1. The right to build and erect a suitable wharf from Agnes Island, Marin County, extending out into the bay of San Francisco, to where the water is six feet deep at low tide, is hereby granted to Martha Buckelew, her heirs and assigns, for the term of twenty years from the passage of this act.

Conditional.

SEC. 2. The State of California hereby grants to the said Martha Buckelew, her heirs and assigns, the use and occupancy of the overflowed lands, two hundred feet in width on each side

of said wharf, to be used only for the purposes of said wharf, and for the free ingress and egress of water craft to and from the said wharf, during the continuance of this grant.

SEC. 3. No goods or property belonging to the State of California shall be subject to any charges for being landed at, or transported across, said wharf. Goods exempted.

SEC. 4. Said wharf shall be commenced and completed within one year from the passage of this act. When to be built.

CHAP. XCIV.—*An Act to Audit and Allow the Claim of Britton & Rey.*

[Approved March 5, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The claim of Britton & Rey, for engraving and printing bonds for funding debt of one thousand eight hundred and fifty-six; also for printing three thousand Controller's warrants for the year one thousand eight hundred and fifty-six, and engraving seal, amounting to the sum of one thousand four hundred and thirty-five dollars, is hereby audited and allowed. Claim allowed.

CHAP. XCV.—*An Act to Authorize the City and County of San Francisco to Settle certain Claims.*

[Approved March 5, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the city and county of San Francisco are hereby authorized, for, and on behalf of, said city and county, to secure and perfect, by purchase, compromise, or otherwise, the title to the lot of land and premises known as the "County Jail Lot," situated on the north side of Broadway Street, and a part of the fifty vara lot designated on the map of the city of San Francisco as number forty-six; and to settle, by payment, compromise, or otherwise, the suit and judgment thereon, in the District Court of the Fourth Judicial District, wherein Samuel B. Mills is plaintiff, against the late county of San Francisco, William R. Gorham and others, defendants, and the judgment in the same court, for costs of suit in an action wherein the late county of San Francisco was plaintiff against Samuel B. Mills and Edmund Moses, defendants, the said suits having arisen out of a controversy as to the title of the said jail lot. Duty of Board of Supervisors.

SEC. 2. The said Board of Supervisors are hereby authorized

Appropriation limited.

to appropriate, allow, and order paid, out of the General Fund, a sum of money not exceeding fifteen thousand dollars, to settle and secure the title of the city and county of San Francisco to said lot and the premises, and to settle said suits; and the Auditor of said city and county is hereby authorized to audit, and the Treasurer to pay, the said sum of money when so ordered by the said Board of Supervisors; and the city and county of San Francisco is hereby authorized and empowered to take, receive, and hold, said lot and premises upon a deed of conveyance thereof, made pursuant to said compromise and settlement.

CHAP. XCVI.—*An Act Concerning Roads and Highways in the County of Nevada.*

[Approved March 5, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Declared public highway.

SECTION 1. All roads in the county of Nevada, which have been in use as thoroughfares for wagons for a period of six months preceding the passage of this act, and all roads which are now used as such, together with the roads which have been, or may be hereafter, declared such by the Board of Supervisors, shall be, and the same are hereby, declared public highways in the meaning of this act; *provided*, that roads over mining lands, used for the purpose of conveying lumber to mining claims, shall not be considered public highways, unless so declared by the Board of Supervisors.

Duty of Board of Supervisors.

SEC. 2. It shall be the duty of the Board of Supervisors of Nevada County to divide said county into a suitable number of road districts, and to appoint annually before the first Monday in March, and at any time thereafter when vacancies shall occur from any cause, an Overseer for each road district, whom they shall have power to remove at pleasure.

To notify appointees.

SEC. 3. Immediately after such appointments are made, the County Clerk shall notify the appointees of their appointment, and shall furnish to each Road Overseer a description of the boundaries of his district.

To give bond

SEC. 4. The Road Overseers shall, before entering upon the discharge of their duties, enter into a bond, with two or more sureties, to be approved by the Board of Supervisors, in the sum of one thousand dollars, conditioned for the faithful discharge of their duties as Road Overseers, to the best of their knowledge and ability, which bond shall be executed to the people of the State of California.

To be kept clear of obstructions

SEC. 5. The Road Overseers shall cause all the public highways within their respective districts, to be kept clear from obstructions and in good repair, causing banks to be graded, bridges and causeways to be constructed where the same may be necessary, to keep the same in repair, and to renew the same

when destroyed, and to open up new roads when ordered by the Board of Supervisors.

To make use of gravel, etc

SEC. 6. The Road Overseers shall have the power to make use of any gravel, dirt, and rock, for improving the roads, which may be absolutely necessary, from any adjacent unimproved lands, and the Board of Supervisors may allow such damages, if any there be, to the owners of said lands, as they may deem just; *provided*, that said Board of Supervisors shall be liable, jointly and severally, to pay damages to the county, at the suit of any citizen, if it shall be made to appear that they have allowed extraordinary and extravagant damages to such property owners.

Duty of Clerk.

SEC. 7. The Clerk of the Board of Supervisors shall cause proper blank receipts to be printed, of an uniform appearance, which receipts shall be signed by the Auditor of the county, in writing; no other receipts than the above mentioned shall be used by Road Overseers, or given in payment for work and labor performed upon the roads, or for its equivalent in money as herein after provided.

Of Auditor.

SEC. 8. The Auditor, immediately after the Road Overseers shall have entered upon the discharge of their duties, shall issue to each Road Overseer as many road receipts, signed, as each Road Overseer may require, taking his receipt for the same, and the receipts so delivered to such Overseer shall be accounted as so much cash paid him at four dollars each. The Road Overseers shall settle half-yearly with the Auditor, to wit: On the first Monday in February and August, and all road receipts returned by them to the Auditor shall be doducted from the amount issued to each Overseer as aforesaid, and the Overseers shall account to the Board of Supervisors, at their annual settlement, for all receipts not returned by them.

Who may be taxed.

SEC. 9. Every male resident of Nevada County, over twenty-one, and under fifty years of age, shall be required to perform, either in person or by substitute, two days' labor on the highways in their respective road districts, which labor shall be performed at any time during the year when required by the Road Overseer; or, in default of performing labor, shall pay to the Road Overseer of his district the sum of four dollars for the benefit of the highways of the district; whenever the labor required by this section has been performed by any person, or instead thereof, money paid, the Road Overseer shall deliver to the person entitled thereto, a proper receipt, signed by the Auditor and countersigned by himself, specifying in said receipt whether received in money or labor, and no receipt shall be given for labor performed upon the roads unless full two days' work has been performed to the satisfaction of the Road Overseer.

Parties to be notified.

SEC. 10. The Road Overseer shall notify, in writing, each person resident in his district, not otherwise exempt, to appear on a certain day named, and, at a certain point and hour in the day, to do and perform the labor required of him by section nine of this act, and any person thus notified, who shall fail to appear, either in person or by substitute, at the day, hour, and place, designated, or who appearing, shall refuse to perform the labor required of him, shall be considered as a delinquent, and

shall be proceeded against as such, and the Road Overseer shall proceed to collect of him, in money, the sum of four dollars, in manner and form as hereinafter provided; *provided*, that nothing herein contained shall be so construed as to prevent the Road Overseer from accepting the labor at any time from the delinquent, if he shall deem the same advisable.

To levy on property of delinquents.

SEC. 11. Whenever any person shall be declared a delinquent, as provided in section tenth of this act, it shall be the duty of the Road Overseer to levy upon any property of said delinquent which may be found, and to sell the same at auction to the highest bidder, for cash, or so much thereof as may be necessary to pay the amount of his delinquency, and costs of levy and sale; *provided*, no sale shall be valid unless due notice thereof has been posted in three of the most public places within the district, of the time and place of such sale, at least five days previous thereto. The Road Overseer shall be entitled to charge three dollars for his services, in levying upon and advertising property, and in selling the same, and the same shall not, in any manner, become a county charge.

Moneys of delinquents may be attached.

SEC. 12. Moneys, credits, and effects, of the delinquent, may be attached in the hands of third parties, by the Road Overseers, by delivering to the party having such credits, moneys, or effects, of the delinquent, a written order of garnishment, requiring said party to pay to him the sum of money due by delinquent; and if the person thus served with notice shall pay the amount demanded, the Road Overseer shall deliver to him a receipt therefor, including the costs and charges allowed to the Overseer, viz: Three dollars; and the receipt thus delivered shall be a legal offset to any claim existing against the party garnisheed in favor of the delinquent.

Failure of party garnisheed to pay.

If the person on whom the garnishment is served, shall neglect or refuse to pay to the Road Overseer the sum demanded of him within five days after receiving said notice, the Road Overseer shall apply to any Justice of the Peace of his township, for an order requiring said person, so served as aforesaid, to be and appear before him forthwith, or on a certain day named in said order, to answer under oath concerning any moneys, credits, and effects, in his hands, belonging to the delinquent; and if it shall appear by the answer of the party, to the satisfaction of the Justice, that he has moneys, effects, or credits, in his hands, belonging to the delinquent, the Justice shall enter in his docket a judgment against the party thus examined, for the sum of seven dollars and costs, four dollars of which sum shall be paid to the Road Overseer, and applied by him upon the construction and repairs of the highways in his district, and three dollars to the Road Overseer for his services. Upon receiving the said sum of seven dollars, the Overseer shall execute a receipt for the sum of four dollars, signed by the Auditor, and a receipt for the remainder, signed by himself. The judgment rendered against the person served with garnishment shall be collected in the same manner as other judgments in Justices' Courts, and shall be a legal offset against the delinquent in favor of the judgment debtor.

Overseers may let contracts.

SEC. 13. The Road Overseers shall have power to let contracts for the construction, repairs, and improvement, of roads, in their respective districts, when the amount of such contract

shall not exceed the sum of one hundred dollars; *provided*, that all contracts shall be let to the lowest responsible bidder; and *provided*, that no contract shall be let unless due notices of the time and place of letting has been given by posting notices in at least three of the most public places in the district, at least one week prior to letting, specifying the work to be done, and asking for sealed proposals. All contracts for the construction, repairs, and improvement, of roads, involving an expenditure exceeding the sum of one hundred dollars, shall be let by the Board of Supervisors to the lowest responsible bidder, notice of such letting to be advertised in a newspaper published in the county, at least two weeks prior to the letting, asking for sealed proposals.

Overseer to superintend.

SEC. 14. All improvements upon the public highways shall be made under the supervision and direction of the Road Overseer of the district in which the improvement is made, and no Contractor shall receive pay in full for work performed under his contract until the Road Overseer has accepted the road from the Contractor, by certificate in writing. The certificate of acceptance by the Overseer shall be considered by the Board of Supervisors as sufficient authority that the road has been completed according to contract.

Further duties of Supervisor.

SEC. 15. The Board of Supervisors on presentation of a petition, signed by one or more persons, a resident of the county, praying for a county road to be laid out within the county, or for a cart road to be laid out from the dwelling or ranch of any person to any public road, or from one public road to another, and designating the points of the road to be established as prayed for, shall cause notice to be given to the parties owning the land over which such road is to be located, and if such owners shall make no objection to the location of said road over their land, the prayer of the petitioner shall be granted, and the road prayed for shall be opened by the Overseer of the district in which said road is located, upon the order of the Board of

Same.

Supervisors; but if objections are made by one or more persons owning the lands over which said road is to be located, the Board of Supervisors shall consider and determine the same at their next regular meeting, and if they shall be of the opinion that such road is necessary for the convenience of the public, they shall appoint three persons as Viewers, the County Surveyor being one, to view out and locate said road, and to appraise the damage to the land of the objectors; and upon a return of the certificate of the Viewers, together with the appointment, and if satisfied with the same, shall declare the same to be a public highway, and cause a notice of their action to be served on the Road Overseer of the district in which said road is located. They shall also order the payment for damages allowed, to be paid out of the county treasury out of moneys not otherwise appropriated, belonging to the township in which the road is located. The Viewers shall receive for their services four dollars per day for each and every day actually employed, and twenty cents per mile necessarily traveled in going to, and returning from, the place where the contemplated road is situated, to be paid by the party or parties praying for such road, if the same shall not be granted; but if granted, then the fees of the

Compensat'n of Viewers.

Viewers shall become a charge upon the Road Fund of the township in which the road prayed for is situated.

To levy property tax.

SEC. 16. The Board of Supervisors shall have power to levy a property tax, which shall not exceed five cents on each one hundred dollars, for road purposes, to be levied and collected at the same time and in the same manner as other property taxes are collected; *provided*, that the provisions of this section shall not apply to any incorporated city of the county; and the property tax thus levied and collected shall be paid into the county treasury, for the benefit of the roads lying in the township from which the same was collected; and the sum then collected shall be divided equally among the several road districts of the township, and expended in the improvement of the roads in said districts, by the Road Overseers, under the direction of the Board of Supervisors.

Duty of Road Overseers.

SEC. 17. Each Road Overseer shall keep a correct account of all moneys collected by him in his district for road purposes, together with the names of persons who pay in cash; the amount paid by each; the names of those who perform labor; the number of days' work performed by each, and the names of delinquents. At each half-yearly meeting of the Board of Supervisors of the county, each Road Overseer shall render his half-yearly account to said Board, verified before some officer having power to administer oaths, in which he shall exhibit the whole amount collected during each preceding half year, the date when received, and from whom received; the amount expended by him, to whom and for what purpose paid; the number of days he has been actually employed upon the roads in his district, with the names of persons in his employ, distinguishing between those working under pay, and those performing labor as required by section ninth of this act; the whole number of receipts delivered, distinguishing between those given for labor and those given for

Same.

money; and at the February term of the Board of Supervisors the Road Overseers shall make a final settlement with said Board, and shall make out and present to said Board an exhibit verified before a competent officer, showing the whole number of days in which they were actually employed upon the roads in their respective districts, the number of men employed each day, the names of persons who worked for pay, the names of those who performed two days' labor under the requirement of section ninth of this act, and the names of delinquent; also, a statement of all moneys expended by them, and a list of the items for which such expenditure was made, together with a schedule of all property belonging to their road districts. Upon receiving such reports, the Board of Supervisors shall make a final settlement with the Road Overseers, and shall allow them each for their services, for each day actually and necessarily employed by them upon the roads in their respective districts, the sum of five

Compensation.

dollars per day, and the additional sum of fifty cents on each road tax collected in cash; *provided*, that the time occupied in collecting said road tax shall not in any manner be construed as time spent in actual and necessary work on the road.

Further duties of Overseer.

SEC. 18. Each Road Overseer shall be the custodian of all personal property belonging to his district, and shall be held responsible for its loss. He shall deliver the same to his suc-

cessor in office, on demand, and take a receipt of him for the same, specifying each article.

Persons obstructing liable to prosecution.

SEC. 19. If any person shall obstruct any public road by felling any tree across the same, or by placing any other obstruction therein, or shall destroy a ford, or crossing of any creek, gulch, river, or stream of any character, by digging away the banks, or by damming, deepening, or widening, the same, he or they shall be liable to a prosecution before any Justice of the Peace of the proper township, by any Overseer of the road district in which the offense is committed, and upon conviction shall pay a fine of not less than twenty, and not exceeding, fifty dollars, and shall forfeit five dollars for every day he shall suffer said obstruction to remain after he shall have been ordered to remove the same by the Overseer.

Same.

SEC. 20. If any person shall willfully destroy, or injure any bridge or causeway, or remove or cause to be removed, any of the plank or timber therefrom, or cut down, or injure any tree planted or growing as a shade tree in any public highway, or damaging any highway by digging in it, he shall be liable to be prosecuted before any Justice of the Peace of the proper township, by any Supervisor of the county, or the Road Overseer of the district in which the offense is committed, and on conviction thereof shall be fined in any sum not less than five, and not exceeding one hundred, dollars.

Penalty.

Action in whose name.

SEC. 21. All actions commenced under the last two preceding sections, shall be in the name of the people of the State of California.

Disposition of fines.

SEC. 22. All fines collected under the provisions of this act shall be paid into the county treasury, for the benefit of the road district in which the same was collected.

Failure of Overseer to remove obstructions.

SEC. 23. Any Road Overseer who shall fail to remove or cause to be removed, any obstructions in the roads of their respective districts, within a reasonable time after being notified that such obstruction exist, shall be liable, upon conviction before any Justice of the Peace, at the suit of any citizen, to be fined in any sum not exceeding twenty dollars and costs, and shall forfeit and pay the sum of five dollars for each and every day thereafter in which he shall suffer said obstructions to remain, to be recovered in like manner, at the suit of any citizen; he shall, also, be liable on his bond for all damages resulting from such obstructions.

Penalty.

Repealing clause.

SEC. 24. All acts or parts of acts which conflict with the provisions of this act, so far as they relate to the county of Nevada, are hereby repealed.

To take effect.

SEC. 25. This act shall take effect from and after its passage.

CHAP. XCVII.—*An Act to grant the right to construct a Bridge across the American Fork River at a point north of C Street, north and between Front and Seventh Streets, as designated on the Plat or Plan of the City of Sacramento.*

[Approved March 6, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Rights granted.

SECTION 1. William G. English, together with such associates as he may admit, shall take, have, possess, and enjoy, all the rights, privileges, rights of ways, franchises, and immunities, hereinafter mentioned, upon condition that he and his associates shall incorporate themselves under the general laws of this State regulating corporations and providing for the incorporating bridge companies, and shall adopt the name of "The American Fork Bridge Company," and shall abide and fulfill the further conditions hereinafter mentioned.

Same.

SEC. 2. Said company, when incorporated as aforesaid, shall have full power to build, erect, construct, and maintain, a public toll-bridge across the American Fork River, at some point north of C Street north, and between Front and Seventh streets, as designated in the plat or plan of the city of Sacramento.; *provided*, that such bridge be not located nearer than one mile of any bridge now erected across the American River; to have and enjoy all rights, privileges, and immunities, thereunto appertaining, and shall have the right of way across said river, and the privilege of using the same for that purpose, which is hereby granted and ceded to said company for the term of twenty years; *provided*, that within one year from the date of the passage of this act, the said company shall commence the construction of said bridge, and within two years shall build and fully complete the same, otherwise the right to construct the same shall be forfeited and this act become null and void. Said company shall at all times after its completion keep said bridge in passable order and condition, and shall be responsible for any damage arising to persons or property crossing said bridge, caused by neglect to keep said bridge in proper repair and condition. After the expiration of ten years from the completion of said bridge, the city and county of Sacramento shall have the right to purchase the said bridge at an appraised value, to be determined by three Appraisers, one to be selected by the bridge company, one by the city and county aforesaid, and one to be selected by the two Appraisers hereinbefore provided for, and such value shall be estimated to be the value of the bridge.

Proviso.

Right to purchase.

How constructed.

SEC. 3. Said bridge shall be constructed in a good and substantial manner and of the most durable materials, and shall have a draw opening of sufficient dimensions to admit the passage of all vessels plying upon the said American Fork River; and the said company shall at all times keep said draw in good working condition, and shall allow any vessel to pass at any time they may wish. Said bridge company shall be liable for any damages that may accrue by neglect or inattention to the

duties as prescribed, to be recovered by an action in any court of competent jurisdiction.

SEC. 4. Said company, upon the erection and completion of said bridge, shall be authorized and empowered to charge and collect such rates of toll as the Board of Supervisors of the city and county of Sacramento may annually fix; *provided*, the Legislature may at all times modify or change the rates so fixed by said Board of Supervisors, and may authorize the erection of other bridges across said river, at any point, when public convenience may require. To fix rate of tolls.

SEC. 5. Said company may regulate and determine the speed of travel, riding, or driving, upon said bridge, and may require the speed not to be faster than a walk; and for each violation may recover judgment before any competent court for any damages by said company sustained by reason of such travel, riding, or driving, exceeding the speed authorized by said company. To regulate speed of travel, etc.

SEC. 6. Said company shall keep in some conspicuous place, at each end of the bridge, a bulletin board, which shall contain the scale of prices and notice of speed allowed on said bridge. Bulletin board to be kept.

CHAP. XCVIII.—*An Act to amend an Act entitled "An Act to Incorporate the City of Oakland," passed March twenty-fifth, one thousand eight hundred and fifty-four.*

[Approved March 6, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fourth of an act entitled "An Act to Incorporate the City of Oakland," passed March twenty-fifth, one thousand eight hundred and fifty-four, is hereby amended so as to read as follows:

Sec. 4. The Common Council shall meet on the first Monday after their election, and at such other times as they may by ordinance appoint; a majority of the council shall constitute a quorum for the transaction of business; they shall determine the rules of their proceedings, and judge of the qualifications and elections of all officers elected under the provisions of this act; their sittings shall be public; a journal of their proceedings shall be kept by the Clerk, under their direction, and the yeas and nays on any question shall be taken and entered on the journal at the request of any member; they shall prescribe by ordinance the duties of all officers whose duties are not defined in this act, and shall have the power to elect such other officers as they may deem necessary in the government of the city, and they shall have the power to determine the compensation to be attached thereto; they shall have the power to raise by a tax not exceeding one and a half per cent. on the assessed value of the real and personal property in the city, money for the establishment and support of free common schools, and to provide suitable buildings therefor, and for defraying the ordi- Duties of Common Council. Powers of.

nary expenses of the city; they shall also have power to pass all proper and necessary ordinances for the regulation, improvement, and sale, of city property; *provided*, that an amount not exceeding ten per cent. of the proceeds of the sales of the said property, made by virtue of this act, shall be set apart and appropriated, from time to time, by said Common Council, for the construction and endowment of a college or university within the limits of said city; they shall have power to open, alter, extend, establish, grade, pave, or otherwise improve and regulate, streets, alleys, and lanes; to construct and keep in repair bridges, fences, public places, ferries, wharfs, docks, piers, slips, sewers, and wells, and to make the assessments therefor; to regulate and collect tolls, wharfage, dockage, and cranage, upon all water crafts, and all goods landed; to make regulations for securing the health, cleanliness, ornament, peace, and good order, of the city; for preventing and extinguishing fires, and regulating firemen, policemen, and such other officers as may be necessary to appoint for the care and regulation of prisons and markets; for licensing, taxing, and regulating, all such vehicles, businesses, and employments, as the public good may require, and as may not be prohibited by ordinance; to regulate and suppress all occupations, houses, places, amusements, and exhibitions, which are against good morals or contrary to public order and decency; for regulating the location of slaughter-houses, markets, stables, and houses for the storage of gunpowder and other combustible materials; and to pass all such other ordinances, and provide suitable buildings for the management, good government, and general welfare, of said city, as may not be inconsistent with this charter, or with the Constitution or laws of this State or the United States. They shall also have power to pass such ordinance or ordinances as may be necessary to prevent animals from running at large within the limits of the city; to establish a pound and appoint a Poundkeeper, and prescribe his duties, and to provide for the public sale, by the Poundkeeper, of such animals as may be impounded, in the same way, and upon like notice, that personal property is sold by execution under the laws of the State, and to apply the proceeds of the sales of said animals, after deducting the expenses, to the support of common schools in said city; *provided*, said Common Council shall allow, by ordinance, the owner or owners of such property so impounded to reclaim the same at any time before sale, upon payment of costs and charges of taking up and impounding, and, within thirty days after the sale, shall allow him or them, upon proof of the ownership of the property sold, and payment of the costs and expenses of impounding and selling, the purchase money arising from such sale or sales. They shall also have power to affix penalties to the violation of any ordinances, such penalties not to exceed imprisonment for ten days and a fine of two hundred dollars; they shall provide for vacancies in the office of Mayor, Councilman, or any other office, and to determine the compensation to be paid to the Assessor, Treasurer, and Clerk, Marshal, and all other officers to whom the receipt or expenditure of the moneys or funds of the city shall be intrusted; *provided*, that the members of the Common Council shall receive no compensation for their services. The Common Council shall have

Same.

Further powers.

no power to borrow money, unless they shall, by ordinance, direct the same in anticipation of the revenue for the current year, and shall provide, in said ordinance, for repaying the same out of such revenue—nor in such case shall they borrow a sum to exceed ten thousand dollars; they shall have power to provide for all city elections, to designate the place or places of holding the same, giving at least ten days' notice thereof; to appoint Inspectors and Judges of Election, examine the returns and declare the result, and to determine contested elections; the Board shall elect a member from their own body to preside at their meetings, and to discharge the duties of Mayor whenever there shall be a vacancy in the office of Mayor, or the Mayor shall be absent from the city, or be unable, from sickness or other cause, to attend to the duties of his office; they shall have power, whenever they deem it proper, to exercise the same, to establish and fix, by ordinance, a salary for the office of Mayor, in addition to the fees received by him as Justice of the Peace, but such ordinance shall not take effect unless ratified by a vote of the citizens of said city at the next succeeding general election; every ordinance passed by the Common Council shall be presented to the Mayor for his approval; if he approve, he shall sign it—if not, he shall return it within five days thereafter; or, if the Common Council be not then in session, at its next stated meeting, when said Common Council shall reconsider said ordinance; and, if approved by two-thirds of all the members elected to such Board, it shall take effect and stand as an ordinance of the city.

People to ratify.

CHAP. XCIX.—*An Act to Prohibit Gaming.*

[Approved March 7, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Each and every person who shall deal, play, or carry on, open or cause to be opened, or who shall conduct, either as owner or employé, whether for hire or not, any game of faro, monte, roulette, lansquenet, *rouge et noir*, rondo, or any banking game, played with cards, dice, or any other device, whether the same be played for money, checks, credit, or any other representative of value, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one hundred dollars, and not more than one thousand dollars, and shall be imprisoned in the county jail until such fine, together with the costs of prosecution, to be taxed against the defendant, shall be paid.

Certain games prohibited.

Penalty.

SEC. 2. No person, otherwise competent as a witness, shall be disqualified from testifying as such, either before a grand or petit jury, concerning the offenses mentioned in the foregoing section of this act, on the ground that his testimony may criminate himself; but such testimony shall be reduced to writing, and no indictment of prosecution shall afterwards be brought against

Witness not disqualified.

him for said offenses concerning which he has testified as a witness.

Compensat'n

SEC. 3. The District Attorney in the various counties of this State shall receive fifty dollars for each and every conviction under this act, to be collected from the property of the parties so convicted.

Renting gaming houses.

SEC. 4. Every person who shall knowingly permit any of the games mentioned in the first section to be played, conducted, or dealt, in any house owned by him or her, in whole or part, or rented by him or her, in whole or part, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in a sum of not less than one hundred, nor more than one thousand dollars, and be imprisoned in the county jail until such fine, together with the costs of prosecution, shall be paid.

Penalty.

If witness refuse to attend.

SEC. 5. If any person or persons, who shall have been summoned as a witness on the part of the prosecution shall fail or refuse to attend at the time fixed for the trial, the person or persons so failing or refusing, shall be deemed guilty of a misdemeanor, and on conviction thereof, before a court of competent jurisdiction, shall be punished by a fine of not less than one hundred dollars, nor more than one thousand dollars, or imprisonment in the county jail not more than three months, or both such fine and imprisonment.

Penalty.

SEC. 6. All moneys collected under this act shall be paid into the county treasury, and shall constitute a part of the General Fund of the county.

Acts repealed.

SEC. 7. All acts and parts of acts in conflict with the provisions of this act, are hereby repealed; *provided*, that nothing in this act shall be so construed as to affect any criminal proceedings now pending in any of the courts of this State.

CHAP. C.—*An Act to prevent the Stealing of Dogs.*

[Approved March 7, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Stealing of dogs.

SECTION 1. That every person who shall feloniously steal, take, and carry, lead, or drive away, any dog, either of the male or female kind, belonging to another, shall be deemed guilty of petit larceny, and upon conviction thereof, shall be punished by imprisonment in the county jail, not more than six months, or by a fine not exceeding one hundred dollars, nor less than twenty dollars, or by both such fine and imprisonment. In any judgment rendered for a fine only, the judgment shall provide that unless the same be paid, the defendant shall be imprisoned in the county jail, at the rate of one day for every two dollars of the fine.

Penalty.

CHAP. CI.—*An Act to amend an Act entitled "An Act to regulate Proceedings in Criminal Cases," passed May first, one thousand eight hundred and fifty-one.*

[Approved March 8, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six hundred and eleven of said act is hereby amended so as to read as follows:

Sec. 611. On being arrested, the defendant may plead to the complaint or he may answer and deny the same. Such plea, answer, or denial, may be oral or in writing, and immediately thereafter the case shall be tried, unless, for good cause shown, an adjournment or change of venue shall be granted. If an adjournment or change of venue be granted, the defendant may be held to bail. If the defendant, at any time before the trial, apply for a change of the place of trial, and make it appear by affidavit that he has reason to believe, and does believe, that he cannot have a fair and impartial trial before the Justice about to try the cause, by reason of prejudice or bias of such Justice, the cause shall be transferred to another Justice of the same or a neighboring township for trial. It shall be the duty of the Justice ordering the change to require the defendant to appear before the Justice to whom the transfer is made, on a day named for trial, also all witnesses, and to transmit to such Justice a certified transcript of his docket, and all original papers in the cause. Should the defendant show to the satisfaction of the Justice, by his own affidavit or otherwise, that he cannot have a fair and impartial trial, by reason of the prejudice of the citizens of the township, the cause shall be transferred to a Justice of a neighboring township; *provided*, if it appear by the defendant's affidavit that the same prejudice exists in any other township or townships, the cause shall be transferred to some township where no such prejudice exists.

Defendant may plead.

Causes may be transferred.

CHAP. CII.—*An Act to authorize the Executors of the Estate of Peter Tracy, deceased, to sell the Real Estate at Public or Private Sale.*

[Approved March 8, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A. W. Rawson and F. M. Kittredge, Executors of the estate of Peter Tracy, are hereby authorized to sell the real estate of said deceased, or any part thereof, or any right, title, or interest in real property, belonging to or claimed by said deceased in his lifetime, on such terms and in such manner, at public or private sale, as may be most advantageous to said estate; *provided*, that no sale made under and by virtue of the power here-

Authorized to sell.

in conferred, for a sum less than two-thirds the appraised value of the real estate sold, shall be confirmed by the court.

To make full report.

SEC. 2. The said Executors shall make a full report of any and all such sales as shall be made by them to the Probate Court of the county of Santa Cruz; and the Judge of said court shall, either in term time or in vacation, in open court or at chambers, examine the same, and confirm or set aside the said sale or sales, as in other cases of sales of real estate by Executors or Administrators.

SEC. 3. The Executors are hereby authorized, upon the confirmation of any such sale or sales, as hereinbefore provided, to execute, acknowledge, and deliver, to said purchaser or purchasers, a legal conveyance of the premises sold, which shall be as valid and binding as if the same had been made by the said Peter Tracy, in his lifetime.

Conveyance.

SEC. 4. Prior to the making of any sale of real estate, under and by virtue of the power hereby conferred, the Executors herein named, shall jointly execute a good and sufficient bond, conditioned as now provided for by law in such cases, with two or more sureties in double the amount of the appraised value of the real estate sought to be sold.

To give bond

CHAP. CIII.—*An Act fixing the time for holding the Court of Sessions and the County Court in the County of Del Norte.*

[Approved March 8, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Time of meeting.

SECTION 1. The Court of Sessions in the County of Del Norte shall hereafter be held on the first Monday in April, the third Monday of July and the third Monday of October, and shall continue until the business is disposed of.

SEC. 2. The County Court shall be held at the same time, and the business thereof be so arranged, by order of the County Judge, as not to interfere with that of the Court of Sessions.

SEC. 3. The jury summoned for the Court of Sessions shall be also the jury for the County Court.

Special term.

SEC. 4. Special terms of said courts may be held, whenever, in the opinion of the County Judge, the public interests require the same.

Acts repealed.

SEC. 5. All acts and parts of acts in conflict with this act, so far as applicable to the county of Del Norte, are hereby repealed.

SEC. 6. This act shall be in force from and after its passage.

CHAP. CIV.—*An Act for the Adjustment and Final Settlement of the Indebtedness of Del Norte County to Klamath County.*

[Approved March 8, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The basis of settlement proposed by Commission-[er]s Wm. M. Buel and Benjamin F. Dorris, appointed by an act of the Legislature approved April eighteenth, one thousand eight hundred and fifty nine, "to determine the amount of the indebtedness of Klamath County, justly chargeable to Del Norte County, at the time of the Organization of said County, together with the Interest that has accrued thereon since the Funding of said Debt," is hereby ratified, and the apportionment of the debt between said counties upon said basis is hereby legalized. Apportionment made legal.

SEC. 2. It is hereby made the duty of the Auditor of Del Norte County, as soon as practicable after the passage of this act, to draw a warrant, bearing interest at the rate of ten per cent. per annum, on the Treasurer of Del Norte County, in favor of the Treasurer of Klamath County, for the amount so apportioned by said Commissioners to Del Norte County, to wit: The sum of eleven thousand six hundred and seventy-nine dollars and fifty-four cents, together with interest thereon at the rate of ten per cent. per annum, from the eleventh day of June, A. D. one thousand eight hundred and fifty-nine. Said warrant shall be payable as provided for in sections nineteen and twenty of an act of the Legislature, approved March second, one thousand eight hundred and fifty seven, entitled "An Act to create the County of Del Norte, to define its Boundaries, and to provide for its Organization." To draw warrant.

SEC. 3. All acts or parts of acts conflicting or inconsistent with the provisions of this act are hereby repealed. Acts repealed.

CHAP. CV.—*An Act amendatory of an Act entitled "An Act to Establish the Industrial School Department of the City and County of San Francisco," approved the fifteenth day of April, A. D. one thousand eight hundred and fifty-eight.*

[Approved March 8, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said act is hereby amended to read as follows:

Sec. 2. There shall be an election held annually on the first Monday in June, for a President, a Vice-President, and a Treasurer, who shall hold office for one year, and until their successors shall be elected and qualified; and six Managers, who shall hold office for two years, and until their successors shall be elected and Election.

Proviso. qualified; *provided*, that at the first election to be held under these sections, twelve managers shall be elected, six to serve for one year, and until their successors shall be elected and qualified, and six to serve for two years as aforesaid. But the Board of Managers shall have power to fill vacancies in their own body and in the offices of President, Vice-President, and Treasurer, and the persons filling such vacancies shall hold office until the next regular election.

To fill vacancy.

SEC. 2. Section eleven of said act is hereby amended so as to read as follows:

Sec. 11. All commitments shall be directed to the Superintendent of the Industrial School, or any of his Deputies, and said Superintendent and his Deputies shall be charged by such commitment with the detention and custody of the children committed to the school, and with the execution of all orders and process of any court respecting such children, and shall have the same power under and by virtue of such commitment, order, or process, of court, or a surrender accepted by the Board of Managers, as the Sheriff of the county has or might have under commitments, orders, or process, of court, directed to him.

Powers of Superintendent.

Persons enticing away.

SEC. 3. Any person who shall aid, assist, or encourage, any child to run away, who has been committed or surrendered, or who has been indentured by the Board of Managers, or shall harbor or conceal any such child, knowing of such commitment, surrender, or indenture, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not exceeding three hundred dollars, and imprisoned for a term not exceeding thirty days.

Penalty.

To take effect.

SEC. 4. This act shall take effect from and after its passage.

CHAP. CVI.—*An Act to establish Pilots and Pilot Regulations for Humboldt Bay and Bar.*

[Approved March 8, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

To appoint Commissioners.

SECTION 1. It shall be the duty of the Governor to appoint and commission three persons to execute the office of Pilot Commissioners, for Humboldt Bay and bar. Two of the persons so appointed, shall be resident business men, and the other shall be a shipmaster, or a person versed in nautical matters, and a resident of Eureka, Humboldt County, who shall constitute a Board of Pilot Commissioners, for Humboldt Bay and bar. Said Commissioners shall hold their office until removed by the Governor, who shall have power to remove any or all of them at pleasure.

Oath and duration of office.

SEC. 2. The persons so appointed, shall take an oath for the faithful discharge of their duties, and shall hold their office until removed, as before provided; and, in cases of resignation, the person or persons wishing to resign, shall discharge the duties

of his office until his or their successor shall be appointed and qualified.

When to meet.

SEC. 3. The Commissioners shall meet at such place as they may designate, on the first Monday of January, April, July, and October, of each year, and any one of them may call special meetings, by giving five days' notice in a newspaper published in Humboldt County, and a majority of the Board shall constitute a quorum for the transaction of business.

Duty of Secretary.

SEC. 4. They shall choose one of their number to act as Secretary. It shall be his duty to keep correct minutes of all the proceedings of the Commissioners, in books provided by them for that purpose, to receive all moneys, and pay out the same when ordered so to do by the Board, and shall register the names of the pilots, their residences, and the date of their licenses. The books and register shall be open to public inspection whenever required by any person, and the Secretary shall perform such other service as the Board may direct.

Additional pilots.

SEC. 5. The Commissioners shall have power to appoint, in the manner provided in this act, such number of pilots for Humboldt Bay and bar, as they may deem necessary.

By-laws.

SEC. 6. The Commissioners shall make by-laws and rules for their own government, not inconsistent with the laws of this State or of the United States.

Qualifications.

SEC. 7. No person shall receive a license to act as pilot who is not a citizen of the United States, and over the age of twenty-one years, and in the presence of one or more shipmasters, shall be rigidly examined by the Commissioners, touching his qualifications concerning the management of sailing vessels and steamboats, and of the tides, soundings, bearings, and distances, of the different shoals, bars, and points of land, and night-lights of the bay; and, if deemed to be qualified, and of good moral character, shall receive a license as pilot, which shall expire at the end of twelve months.

To give bond.

SEC. 8. Every licensed pilot, before entering on his duty, shall give bond and security to the amount of five thousand dollars, payable to the State of California, for the faithful discharge of his duty, said bond to be approved by the Commissioners, and filed in their office.

Power to suspend.

SEC. 9. The Commissioners shall have full power to suspend pilots, or revoke their licenses, on proof of incapacity or misconduct.

Duties of pilots.

SEC. 10. All pilots who may receive a license for Humboldt Bay and bar, shall be attached to a steamboat suitable to cross the bar, when ordinarily rough, and capable of towing vessels over said bar, and when so employed, said boat shall be well furnished and fitted, as boats used for similar service usually are, to be provided with good hawsers and suitable spring lines; and if any vessel, while being towed by said boat, shall receive any injury that would cost fifty dollars to repair, by the negligence or carelessness of the master, agents, or servants, on said boat, such damage shall be collected from said boat, by the owners of any vessel injured as aforesaid; the price of towage shall be as per contract between the parties.

Application for pilotage.

SEC. 11. All applications for pilots or tow-boats, for a vessel outward bound, shall be made on board the boat that the pilot

is attached to that brought said vessel in, and the fee for either pilotage or towage shall then and there be paid; the pilot that brings the vessel into port shall have the exclusive right to take her out, or substitute another pilot from the boat to which he is attached; *provided*, that he or his substitute shall be ready and willing to do so as soon as practicable after said vessel is reported on board the tow-boat ready for sea, unless said pilot has misbehaved while in charge of said vessel. Any person who shall pilot a vessel over the bar for hire, not being entitled so to do, shall make himself and said vessel so piloted, liable to the pilot who had the right, in the amount of pilotage or towage that said pilot would be entitled to if he had performed the service himself.

Fees. SEC. 12. The following fees shall be charged by the pilots of Humboldt: For piloting merchant vessels, eight dollars per foot draft; men-of-war, twelve dollars per foot draft.

Vessels detained. SEC. 13. If any vessel bound to Humboldt Bay be lost, or unnecessarily detained for a pilot, or steam-tug, within eight miles of the bar at the entrance of said bay, having a signal up for a pilot, and not being able to procure one, the Commissioners shall inquire into the facts, when, if it shall appear that the pilots have been neglecting their duties, the Commissioners may suspend or displace the party or parties, or fine him or them, a sum not to exceed five hundred dollars, and shall publish the result of the investigation in a newspaper published in Humboldt County.

To assess fines and penalties. SEC. 14. The Commissioners shall have power to assess all fines and penalties, whether against the pilots, or any other person, for a violation of any of the provisions of this act, and shall have power to sue for, and collect the same, in their name; and all moneys collected from fines or otherwise, shall be paid over, quartorly, to the Treasurer of Humboldt County, after deducting the necessary expenses of the Board; which money shall be charged to the debit of the School Fund of the county.

Compensat'n SEC. 15. The Commissioners shall each be entitled to four dollars per day for each day actually employed in the discharge of their duties, and such sum as may be necessary for stationery, fuel, lights, etc.; which money shall be deducted from the receipts before depositing with the Treasurer of the county.

Regulations. SEC. 16. All pilots hereafter appointed shall conform to, and be governed by, the provisions of this act, and such quarantine laws as may be enacted, and such harbor regulations as may be adopted by the Board of Commissioners, who shall have the general control of the harbor as to obstructions to navigation, and to designate the place where ballast may be deposited, etc.

May sue and collect. SEC. 17. The Commissioners shall have power to sue and collect from any vessel or boat violating the provisions of this act, or any harbor regulations that may be enacted, a sum of not more than five hundred dollars, nor less than fifty dollars, or cause the master, or owner, or agents, of said vessel or boat, to remove any obstruction caused by them.

Duty of Secretary. SEC. 18. On the first week in January of each year, the Secretary of the Board shall cause to be published in a newspaper published in Humboldt County, a full account of all the receipts and expenditures for the year previous.

SEC. 19. Every pilot, on boarding a vessel, when required by the master thereof, shall exhibit his license to such master; and on refusal so to do, shall be liable to a penalty of fifty dollars. To exhibit license.

SEC. 20. Any pilot absenting himself from his duty for more than two months, except on leave granted by the Commissioners, or by sickness, shall be considered as having forfeited his license. May forfeit license.

SEC. 21. In case a pilot does not apply at the end of the time for which his license was granted, for a renewal of the same, he shall be considered as suspended. Suspension.

SEC. 22. If any licensed pilot shall become intoxicated while having charge of any vessel as pilot, he shall be suspended or dismissed, as the Commissioners may elect. Same.

SEC. 23. The Commissioners may require pilots to renew their bonds and securities whenever it is deemed necessary, and they may take away the license of any pilot for willful infringement or violation of his duty, or neligently losing any vessel, or for mental derangement, or habitual drunkenness, provided due notice, in writing, be given to such pilot, and an opportunity be afforded him of being heard in his own defense. Bonds to be renewed.

SEC. 24. For carelessly or negligently losing any vessel, on conviction thereof, the pilot having charge of said vessel at the time shall be incapable ever after of acting as pilot, and shall moreover be liable for damages on his bond. If a vessel be run ashore by a pilot, no pilotage shall be charged, and if negligently done, the pilot shall be liable for all damages. Losing vessel, penalty for.

SEC. 25. The Commissioners may make all needful rules and regulations for the government of the pilots, and establish penalties for the breach thereof, and shall prepare printed instructions for pilots, and furnish each of them with a copy of such rules, regulations, and instructions, together with a copy of this act. Rules and regulations.

SEC. 26. Any vessel with a pilot on board, being detained more than twenty-four hours by contrary winds, bad weather, or other cause not the fault of the pilot, shall pay to such pilot the sum of eight dollars per day, exclusive of his regular fees, for each day's detention, whether such vessel be inward or outward bound. Detention.

SEC. 27. The pilot first offering his services to any vessel, shall be entitled to half-pilotage, though his services may be rejected; *provided*, that all vessels engaged in the coasting trade of this State, or Oregon, not exceeding one hundred and seventy-five tuns burden, shall not be liable to the provisions of this section. Half-pilotage.

SEC. 28. Pilots blown off, or carried to sea against their will, when a boat is in attendance to receive them, shall be entitled to receive the sum of eight dollars per day while absent, which, if not paid by the master or owners, shall be collected from the consignee or consignees, or either of them. Pilots carried to sea.

SEC. 29. The master, owner, or consignee, of any vessel, to whom any pilot may have rendered, upon request of either of them, any extra service for the preservation of such vessel, while in distress, shall pay such pilot, in addition to his regular fees, such amount as the Commissioners shall determine to be a reasonable and just reward; *provided*, no special agreement shall have been Extra services.

made between such master, owner, or consignee, of such vessel, and the pilot.

Full pilotage.

SEC. 30. A pilot boarding any vessel having a signal for a pilot, shall be entitled to receive full pilotage.

Further fees.

SEC. 31. The Commissioners shall be entitled to charge for each and every license to a pilot not exceeding the sum of fifty dollars, and any master of a coasting vessel, being an American citizen, can, upon application to the Pilot Commissioners, obtain a special license for the use of such vessel only, by paying into said Commissioners for the same at the rate of one dollar per tun; all such vessels to be under one hundred and seventy-five tuns.

SEC. 32. All claims against said Commissioners shall be considered at a stated meeting, and if correct shall be allowed and paid.

Further duties of pilots.

SEC. 33. When cruising off or standing out to sea, pilots shall go to a vessel nearest to shore, or in the most distress, under a penalty of one hundred dollars; and for refusing to go on board a vessel when required, a like penalty of one hundred dollars shall be imposed; and in either case, upon complaint and conviction, the pilot may be suspended or expelled, at the discretion of the Commissioners.

Owners to compensate.

SEC. 34. If any pilot, in endeavoring to assist or relieve any vessel in distress, shall suffer loss or damage in his boats, sails, tackle, rigging, or appurtenances, the master, or owner, or consignee, of such vessel, shall pay the value of such loss or damage, to be ascertained by the Commissioners.

Repealing clause.

SEC. 35. All acts and parts of acts in relation to pilots, for any of the ports or harbors of this State, so far as they relate to Humboldt Bay and bar, except as herein provided, are hereby repealed.

CHAP. CVII.—*An Act concerning the Government of the City of Marysville.*

[Approved March 10, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Salary of Marshal.

SECTION 1. The Marshal of the city of Marysville shall receive for his services such salary as the Common Council of said city may prescribe, not exceeding one thousand dollars per annum; and for the collection of all moneys due the city he shall receive one and one-half of one per centum of all sums collected and paid into the city treasury; *provided*, that upon all licenses, wharfage, and landing dues, collected and paid over, he shall receive three per centum; and against delinquent tax-payers he may charge and collect the same fees and per centage as are authorized by law to be charged and collected by the Collector of State and county taxes for Yuba County. No compensation other than that provided by this section, shall be allowed the Marshal for any services he may perform.

SEC. 2. The Recorder and Clerk of said city shall each re-

ceive for his services a salary of one thousand dollars per annum, payable quarterly; and neither of said officers shall receive any other or further compensation for their services than that provided by this section. Of Recorder and Clerk.

SEC. 3. The Treasurer of said city shall receive for his services one-half of one per centum on all moneys actually received from the revenues of the city by him; *provided*, that on any sums that may be borrowed on the faith and credit of the city, and on all school moneys received from the State and county, he shall receive no per centage. Of Treasurer

SEC. 4. The Common Council, in the exercise of its power to establish and regulate a city police, shall limit the rates of pay to seventy-five dollars per month to each policeman; and the number of policemen shall not exceed four; *provided*, the council shall have power and authority to appoint, temporarily, special policemen, when, in its judgment, it is absolutely necessary. The office of Captain of Police is hereby abolished, and the duties of that office shall be performed by the Marshal. Of Policem'n

SEC. 5. The office of City Attorney is hereby abolished, and the council shall have power and authority to contract with some competent person for legal services, at a rate of compensation not exceeding five hundred dollars per annum. Office abolished.

SEC. 6. All real estate, together with the improvements and appurtenances thereto belonging, within the limits of said city, used expressly for farming purposes, and known as suburban lots, shall be exempt from city taxes. Property exempt.

SEC. 7. The Mayor of said city shall receive no compensation for his services, unless the council, at a regular meeting, shall, by a vote of a majority of all the members elected, provide for the salary of such officer, in which case it shall not exceed the sum of five hundred dollars per annum. Compensat'n

SEC. 8. The Mayor, Aldermen, Recorder, Clerk, Marshal, Treasurer, and Assessor, of said city, shall hold their offices for two years, and until their successors are elected and qualified. Term of office.

SEC. 9. This act shall take effect on the first Monday of April, A. D. one thousand eight hundred and sixty; and all laws in conflict with the provisions of this act are hereby repealed. To take effect.

CHAP. CVIII.—*An Act authorizing the Board of Supervisors of Shasta County to audit and allow the Clerk of the Court of Sessions additional pay for services in certain cases.*

[Approved March 10, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the county of Shasta are hereby authorized and empowered to audit, allow, and pay, out of the General Fund of the county, such additional compensation to the Clerk of the Court of Sessions, for services which Additional compensat'n

be may perform in criminal cases in said court, as they, in the exercise of a sound discretion, may deem just and proper.

Repealing clause.

SEC. 2. All laws in conflict with this, are hereby repealed. This act to take effect and be in force, from and after its passage.

CHAP. CIX.—*An Act appropriating Moneys for the benefit of the San Francisco Ladies' Protection and Relief Society.*

[Approved March 13, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

To draw warrant.

SECTION 1. The Controller of State is hereby directed and required to draw his warrant on the Treasurer of State, for the sum of five thousand dollars, payable to the President and Treasurer of the San Francisco Ladies' Protection and Relief Society, for the use of said society; and for the purpose of paying said warrant, the sum of five thousand dollars is hereby appropriated, out of any moneys in the State treasury not otherwise appropriated; *provided*, that the donation hereby made shall not be taken as implying the obligation of an annual appropriation or donation to the said society.

To make report.

SEC. 2. The President and Treasurer of said society are hereby required to report to the Governor of this State, on or before the twentieth of December next, a detailed statement, on oath, of the expenditure of the above named appropriation. The said President and Secretary, before receiving said money, are also required to execute to the people of the State of California, a bond according to law, with two sufficient sureties, to be approved by the Governor, conditioned for the faithful expenditure and application of said moneys to the use of said society, and the purposes for which the same was organized.

CHAP. CX.—*An Act to Authorize the Sale of the Real Estate of the late Joel Allen, deceased.*

[Approved March 13, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

To sell real estate.

SECTION 1. That Otis Greenwood, Administrator of the estate of Joel Allen, deceased, late of Tuolumne County, be, and he is hereby, authorized and empowered, to sell such portion or portions of the real estate, of which the said Joel Allen died, seized or possessed in the State of California, and any right, title, or interest, in such real estate, belonging to the deceased in his life

time, as he may deem proper and necessary for the payments of the debts and liabilities outstanding against the estate of the deceased, the allowance to his family, the expenses of administration, and the final distribution of the estate of the deceased among his heirs, at such time or times, on such terms, and in such manner, at private sale, as shall be most advantageous to said estate.

To make full report.

SEC. 2. The said Administrator shall make a full report of any and all such sales as shall be made by him, to the Probate Court of the county of Tuolumne; and the Judge of the said Court shall, either in term time or in vacation, in open court or at chambers, examine the same, and confirm or set aside the said sale or sales, as in other cases of sales of real estate by Executors or Administrators.

To execute conveyance.

SEC. 3. The said Administrator is hereby authorized and empowered, upon the confirmation of any such sale or sales, as hereinbefore provided, and the compliance on the part of the purchaser or purchasers, with the terms of such sale or sales, to execute, acknowledge, and deliver, to said purchaser or purchasers, a legal conveyance of the premises sold, which shall be as valid and binding as if the same had been made by said Joel Allen in his lifetime.

To give bond

SEC. 4. Prior to the making of any sale, under and by virtue of the power herein conferred, the Administrator herein named shall execute a good and sufficient bond, conditioned as now provided for by law in such cases, with two or more sureties, in double the amount of the value of the real estate sought to be sold.

CHAP. CXI.—*An Act to Extend the Time for the Collection of Taxes in Mendocino County.*

[Approved March 13, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Limit.

SECTION 1. The Sheriff of Mendocino County is hereby authorized and empowered to continue the collection of State and county taxes due therein until the first Monday in May next, and for such purposes he shall have all the powers given to Sheriffs by the act to provide revenue for the support of the General Government of this State; and in said collection he shall be governed in all respects by said act, and he shall not be required to make his final settlement or to return his delinquent list, until the first Monday in May next; *provided*, he shall make settlement, in accordance with the provisions of said act, of all taxes collected before proceeding under this act.

Proviso.

CHAP. CXII.—*An Act to Legalize Certain Records of the County of San Bernardino, and concerning the Recorder of said County.*

[Approved March 13, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Validity of record.

SECTION 1. All records or copies in the record books of all deeds and other instruments of writing, whereby real estate is conveyed, or may be effected, admitted to record, or copied, in the records or record books, in the county of San Bernardino, and the records thereof, shall impart notice in like manner and to the same extent, and have the same effect, as if such deeds and instruments of writing were, or had been, duly recorded, according to law, in said books and records, and the same shall not be deemed defective in consequence of the County Recorder of said county having heretofore failed or neglected to execute, bond as such Recorder.

To give bonds.

SEC. 2. Before entering upon or exercising any of the duties of his office, the Recorder of the county of San Bernardino shall enter in bonds in the penal sum of two thousand dollars, with two or more sufficient sureties, conditioned for the faithful discharge of his duties as such Recorder, which bond shall be approved and filed according to law.

CHAP. CXIII.—*An Act to prohibit the Burning of Bricks within certain Limits, in the City and County of San Francisco.*

[Approved March 13, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All and any brick-kilns or piles of bricks, erected or hereafter to be erected for the purpose of being burnt, in the city and county of San Francisco, otherwise than as hereinafter provided, are hereby declared to be public nuisances.

Restricted to certain limits.

SEC. 2. From and after the first day of June next, it shall not be lawful for any person or persons, corporation or company, to erect or cause to be erected, for the purpose of burning, or to burn or cause to be burnt, any brick-kiln or pile of bricks, in the city and county of San Francisco, unless the same be situated south of Harris Street, or west of Jones Street, in said city and county, except upon one hundred vara lot number ninety; *provided*, however, that no bricks shall be manufactured on said lot for sale or commerce.

Violation.

SEC. 3. Any person or persons, who may violate the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty dollars, nor more than five hundred dollars, or by imprisonment in the county jail of said county for not more than

Penalty.

twenty days, or both such fine and imprisonment, in the discretion of the court; and the court shall order the Chief of Police of said city and county to abate the nuisance, the expense of the abatement to be paid out of the fine so imposed, and the balance to be paid into the county treasury and placed to the credit of the Police Fund.

Jurisdiction.

SEC. 4. The Police Judge of said city and county shall have jurisdiction in cases arising under this act.

SEC. 5. All acts and parts of acts inconsistent herewith, are hereby repealed.

CHAP. CXIV.—*An Act to authorize the Executrix of the Estate of William Hart, Deceased, to sell Real Estate of her Testator at Private Sale.*

[Approved March 13, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

May sell certain real estate.

SECTION 1. That Mary Hart, Executrix of the last will and testament of William Hart, deceased, is hereby authorized to sell such portion of the real estate of which the said William Hart died seized and possessed, either in severalty or in common and jointly with others, and any right, title, or interest in any real estate, owned or claimed by the said William Hart, wherever situated in the State of California, as may be sufficient to pay the debts against the estate and the expenses of administration, on such terms, and in such manner, whether at public or private sale, as may, in her opinion, be most advantageous to said estate.

Successor to have like powers.

SEC. 2. That in case of the death, resignation, or removal, by the Probate Judge, of the said Executrix, her successor, duly appointed and qualified, may proceed to sell in like manner and to the like extent, as the said Mary Hart is authorized to proceed in section first, and shall have the same authority as is conferred upon her in any part of this act.

Sales valid.

SEC. 3. That in case of any sale or sales, under the authority of this act, the said Executrix may execute to the vendee or vendees, of the real estate so sold, all necessary and sufficient conveyances therefor; and may, in like manner, make conveyances, or other necessary or proper instruments, in case of compromise or arbitration, as hereinafter provided.

To make report.

SEC. 4. The said Executrix shall make a full report of the sale or sales, of the said real estate, to the Probate Court of the city and county of San Francisco, within a reasonable time thereafter, who shall confirm or reject said sale or sales, as in any other cases of sales of real estate by Executors and Administrators; and the Executrix aforesaid shall make no conveyance of real estate under this act, nor shall such sale become definitely valid, unless the sale be first confirmed and approved by the said Probate Court.

Further powers of Executrix.

SEC. 5. The said Executrix shall also have authority to settle by arbitration, or to compromise without arbitration, any suit or suits in which she may be plaintiff or defendant, affecting the

title of said estate to any real estate, or any portion thereof, or interest therein, or to compromise without suit, any claim against or in favor of said estate, on account of any real estate or any interest in any real estate, and to report any such compromise or award, to the Probate Court, who may confirm or reject the same, according as the same may appear to be just or otherwise; but no such compromise or award shall be definitely valid unless approved and confirmed by said Probate Court.

Limit of credit.

SEC. 6. No sale shall be made under this act on a credit of more than six months, or a compromise made providing for the payment to the estate on a credit of more than six months; *provided*, nothing contained in this act shall be construed so as to prevent the Probate Court from ordering a sale of so much of the property as may be necessary for discharging the debts and incumbrances against said estate.

To take effect.

SEC. 7. This act shall take effect immediately.

CHAP. CXV.—*An Act authorizing the Board of Supervisors of Sierra County to levy certain Taxes for County Purposes, for the year one thousand eight hundred and sixty.*

[Approved March 13, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Certain taxes to be levied.

SECTION 1. The Board of Supervisors of Sierra County is hereby authorized, if they deem the same expedient, at a special meeting of said Board, to be held on the fourth Monday of March, one thousand eight hundred and sixty, to levy taxes for the year one thousand eight hundred and sixty, for county purposes, not to exceed the rates hereinafter mentioned on each one hundred dollars of taxable property in said county, viz: a tax not to exceed fifty cents to be paid into the General Fund; twenty-five cents to be paid into the Hospital Fund; twenty-five cents to be paid into the Interest Fund; ten cents to be paid into the School Fund; five cents to be paid into the Road Fund; twenty-five cents to be paid into the Jail Fund; and twenty-five cents to be paid into a fund to be known as the Contingent Fund; and said taxes, when levied by said Board, shall be collected at the same time and in the same manner as now provided by law for the collection of State taxes in said county.

Disposition of moneys.

SEC. 2. The moneys collected under the provisions of this act, which are directed to be paid into the Contingent Fund, shall be paid into the county treasury, and it shall be the duty of the County Treasurer of said county to set apart the same as a Contingent Fund, to defray the current expenses of the county other than the salaries and fees of county officers; and said moneys shall be disbursed by him on orders drawn upon said fund by the Board of Supervisors; any surplus remaining shall be paid into the General Fund for the payment of the existing county debt.

SEC. 3. This act shall take effect from and after its passage. To take effect.

CHAP. CXVI.—*An Act to Change the Name of Francis Butler McAlister to Francis Butler.*

[Approved March 13, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the name of Francis Butler McAlister be and the same is hereby changed to Francis Butler, so that the said Francis shall hereafter be called, and known by, and assume, and use, the surname Butler, and no other surname whatever, and by the said name of Francis Butler, shall acquire, obtain, and enjoy, all legal rights and property, and especially all such rights and property as may inure to him by reason of such change of name. Name changed.

SEC. 2. This act shall take effect and be in force from and after its passage. To take effect.

CHAP. CXVII.—*An Act to repeal an Act entitled "An Act to provide for holding the January Term of the District Court of the Seventeenth Judicial District in the County of Plumas.*

[Approved March 13, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act entitled "An Act to provide for holding the January Term of the District Court of the Seventeenth Judicial District in the County of Plumas," approved February nineteenth, one thousand eight hundred and fifty-nine, is hereby repealed. Act repealed

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CHAP. CXVIII.—*An Act to grant the right to construct a Bridge across the American River at its mouth, to parties therein mentioned.*

[Approved March 13, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Charles H. Swift, William M. Harron, Isaac Perkins, with such other persons as they may associate with them, are hereby authorized to construct and maintain a public toll-bridge across the American River, near its mouth, at or near the Parties authorized to construct.

place now occupied by said C. H. Swift as a ferry, and shall have, and they are hereby granted, the right of way across said river, with all the privileges, immunities, and franchises, thereunto belonging, upon condition that they, and their associates, shall within one year from the passage of this act incorporate themselves under the laws of this State, regulating corporations and providing for the incorporation of bridge companies, and adopt the name of the American River Bridge Company, and fulfill the other conditions of this act.

Term of grant. SEC. 2. Said company are granted the right of way across said river, for the term of twenty years; *provided*, that they commence the construction of said bridge within one year, and complete the same within eighteen months from the passage of this act, otherwise the right to build said bridge to cease; and said company shall at all times keep said bridge in passable order, and be responsible for any damage arising to any person or property crossing said bridge, for neglect or failure so to do.

How built. SEC. 3. Said bridge shall be built in a substantial manner and of durable materials, and shall have a draw or opening of sufficient width to admit any vessel or steamboat that may wish to pass the same, and said company shall at all times keep said draw or opening in a good working condition, and allow any vessel or steamboat to pass at any time they may wish. Said company shall be liable for any damages that may accrue by neglect or inattention to the duties as prescribed, to be recovered by an action in any court of competent jurisdiction; and at the expiration of ten years after its completion, the city and county of Sacramento shall have the right to purchase the said bridge at a valuation to be fixed by five Appraisers, two of whom shall be selected by said company, two by the Board of Supervisors of the city and county aforesaid, and one by the four Appraisers heretofore mentioned, after which purchase the right to collect tolls shall cease.

Right to purchase.

To collect tolls. SEC. 4. The said company, upon the completion of said bridge, shall be authorized to collect such tolls as the Board of Supervisors aforesaid may fix, annually, and such rates of toll shall be posted in a conspicuous place, at each end of said bridge; and they may by like notice limit the speed of travel upon said bridge to a walk, and for each violation of said rules in relation to speed, may recover judgment in any court of competent jurisdiction, for any damage thereby occasioned.

CHAP. CXIX.—*An Act to Protect Female Children under the Age of Seventeen Years.*

[Approved March 17, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

What deemed a misdemean'r SECTION 1. Every person who shall cause, or procure, or employ, any female child, under the age of seventeen years, to

dance, promenade, or otherwise exhibit herself for hire, drink, or gain, in any drinking saloon, dance celler, ball room, public garden, public highway, or in any place whatsoever (theaters excepted,) where two or more persons are assembled together, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding three months; or by both such fine and imprisonment; and every female child under the age of seventeen years so dancing, promenading, or exhibiting herself, as herein aforesaid, shall be likewise deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding one month, or by both such fine and imprisonment. Penalty.

SEC. 2. Every person who shall cause, or procure, or employ, any female child under the age of seventeen years, to play for hire, drink, or gain, upon any accordeon, cymbal, hurdy-gurdy, tamborine, or any other musical instrument, in any drinking saloon, ball-room, dance celler, public garden, or any public highway, or common street, in a city, on a ship, steamboat, or railroad car, or in any place whatsoever, where two or more persons are assembled together, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment; and any female child under the age of seventeen years, so playing, upon any accordeon, cymbal, hurdy-gurdy, tamborine, or any other musical instrument whatsoever, as herein aforesaid, shall be likewise deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding one month, or by both such fine and imprisonment. Same.

CHAP. CXX.—*An Act extending the Privileges of the Homestead Law to certain Persons, and to Regulate the Creation of the Same.*

[Approved March 13, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The provisions of an act entitled "An Act to exempt the Homestead and other Property from Forced Sale in certain Cases," passed April twenty-one, one thousand eight hundred and fifty-one, and of all other acts and parts of acts, relating to the exemption of the homestead, are hereby extended so as to include all unmarried men and unmarried women, widows, and widowers; *provided*, said homestead rights shall have been acquired under the provisions of this act; and, *provided* further, that said homestead shall, in no case, be of greater value than one thousand dollars. What persons included.

SEC. 2. Whenever any white man or female, resident in this

Conditions.

State, shall desire to avail himself or herself, of the benefits of this act, such person shall make a written application to the County Judge of the county in which the land intended to be claimed as a homestead, or any part thereof, is situate, setting forth the object in view, giving an accurate description of the premises, and stating the value of the same; *provided*, the amount of land exempt under the provisions of this act shall not exceed three hundred and twenty acres, if the homestead is not located within the limits of any city or town; but, if it is within the limits of any city or town, the amount of land shall not exceed three hundred and twenty feet square.

Judge to appoint Appraisers.

SEC. 3. Upon receiving the application named in section two of this act, it shall be the duty of said Judge to appoint three respectable and competent persons, freeholders or householders, of the county, to act as Appraisers of the property, who shall proceed to inspect the premises and appraise the value thereof. In case the persons so appointed, or any one of them, shall fail or refuse to act, said Judge may, from time to time, make such additional appointments of Appraisers as the case may require.

To make oath.

SEC. 4. Before proceeding to act under the preceding section, the Appraisers mentioned therein shall take and subscribe an oath, before some officer competent to administer oaths, that they will fairly and impartially appraise the premises according to the actual value thereof.

If property exceeds, etc.

SEC. 5. If the value of the property described in the application shall be found to exceed the sum of one thousand dollars, including the improvements thereon, it shall be the duty of the Appraisers, at the request of the applicant, to admeasure and lay off a less quantity of the said land, with such boundaries as the applicant may direct, so that the value of the part so admeasured and laid off, together with such improvements as may be thereon, shall not exceed the value aforesaid. When in any case the Appraisers cannot all agree on the value of the premises applied for, the agreement of any two of them shall be deemed the appraisement.

Duty of Appraisers.

SEC. 6. The Appraisers shall return their written oath and their appraisement in writing—the appraisement shall describe the property accurately, by metes and bounds, and the value thereof, and shall deliver the same to the County Judge appointing them.

SEC. 7. Upon the return of the Appraisers as aforesaid, the said Judge, on being satisfied that the proceedings of the Appraisers were regular and their acts done in good faith, shall make and deliver to the applicant a certificate, in writing, setting forth the application, the oaths of the Appraisers, and all the proceedings which took place under it and the return of the Appraisers, which certificate shall be firmly annexed to the written application, which paper shall be designated on the homestead title, and shall be delivered, on payment of all cost and expenses then remaining unpaid, to the applicant.

To grant certificate.

Title to be recorded.

SEC. 8. The applicant, upon receiving the homestead title, shall cause the same to be recorded in the office of the County Recorder of the county in which the homestead is situated, in a book which the County Recorder shall keep for that purpose, to be called the "Register of Homesteads of Single Persons;" and,

when the said homestead shall be situate in more counties than one, the applicant shall cause the homestead title to be recorded, as above provided, in the Recorder's office of each of the said counties where any part of the said homestead is situate.

Further conditions.

SEC. 9. Upon complying with the provisions of this act, the applicant shall be vested with a homestead right, which shall date from the day of filing the homestead title for record, and not sooner; *provided*, that nothing in this act shall be held to exempt said property from forced sale to satisfy any debt or liability created or assumed by the applicant prior to the filing of the said homestead title for record. Nor shall anything in this act be held to shield said property from forced sale in order to satisfy any mortgage or lien for purchase money, material, or labor, created at any time upon said property so set apart under the provisions of this act.

Fees.

SEC. 10. The County Judge shall, for the services prescribed in this act, be entitled to charge and receive, for each Appraiser appointed as aforesaid, one dollar; and for each certificate of homestead title, granted as aforesaid, five dollars, which shall be paid by him into the county treasury, and credited to the General Fund, for county purposes; and the said Appraisers shall be entitled to three dollars per day, for each one of them necessarily employed in the discharge of the duty assigned them. The County Recorder shall be entitled to three dollars for recording each and every homestead title created under the provisions of this act. The fees provided for above shall be paid in advance, if demanded.

CHAP. CXXI.—*An Act to provide for the Appointment of a State Assayer of Ores and Metals, and to define his Duties.*

[Approved March 14, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Governor to appoint.

SECTION 1. The Governor, by and with the advice and consent of the Senate, may appoint a suitable and competent person to be State Assayer, who shall be skilled in the art of assaying of ores and metals, who shall hold his office for the term of two years, and until his successor shall be appointed and qualified, and shall be sworn to the faithful discharge of his duties.

To give bond

SEC. 2. Before entering upon the discharge of his duties, the person so appointed shall give an official bond, conditioned for the faithful performance of his duties, with two or more sureties, in the sum of fifty thousand dollars, to be approved by the Governor of the State.

Duty of Assayer.

SEC. 3. It shall be the duty of said State Assayer to assay such ores and metals as may be offered to him for that purpose, and to give certificates of the character, quality, and value, thereof; and, also, in case of all precious metals assayed, to stamp the same with such suitable stamp as may be selected or devised by said Assayer, showing the quality and value thereof, accord-

ing to the standard of the Mint of the United States, and for such service said Assayer shall be paid such compensation as may be agreed upon by the person or persons procuring the same to be done; *provided*, that the charges for such labor performed shall not be more than the prices of the United States Mint for similar services done; and the charge for a seal to any certificate, when required, shall not be more than two dollars.

To take effect.

SEC. 4. This act shall take effect from and after its passage.

CHAP. CXXII.—*An Act to authorize the County of Butte to purchase and hold Two Hundred Thousand Dollars of the First Mortgage Bonds of the California Northern Railroad Company, and to issue the Bonds of said County for the Payment of the same, and for other purposes connected therewith.*

[Approved March 14, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Supervisors to order election.

SECTION 1. It shall be the duty of the Board of Supervisors of the county of Butte to call an election, giving twenty days' notice thereof, by publication in all the newspapers published in said county, to be held on or before the first Saturday in April next, for the purpose of submitting to the qualified electors of said county, the proposition for said county to purchase and hold two hundred thousand dollars of the first mortgage bonds of the California Northern Railroad Company, having twenty years to run to maturity, and to issue the bonds of said county in payment for the same, the proceeds thereof to be applied by the California Northern Railroad Company in building or constructing a railroad, commencing at the town of Oroville, in Butte County, connecting it with tide-water, by way of Sacramento or otherwise. The Board of Supervisors of said county shall cause to be prepared a sufficient number of ballots for the use of the electors at such election, with the words "County Bonds for the Northern Railroad Campany," printed thereon. Every ballot voted at said election shall have the word "Yes" or the word "No" written or printed thereon; and the said election shall be conducted and the returns thereof made, in the same manner as provided for in the cases of the elections of county officers.

Further duties.

SEC. 2. If, at said election, the majority of said electors of said county of Butte, voting at said election, shall vote "Yes" upon said proposition, the result shall be officially declared by the Board of Supervisors; and, thereupon, it shall be the duty of the said Supervisors to cause to be prepared bonds, in the name of the county of Butte, to the amount of two hundred thousand dollars. Each bond shall bear date the first day of May, A. D. one thousand eight hundred and sixty, and shall call for the payment of one thousand dollars in twenty years after the date thereof, with interest at the rate of ten per cent. per annum, payable semi-annually on the first days of January and July of each

year, and shall bear the seal of the county of Butte, and shall pledge the faith of said county for the payment of the same. The said bonds, at such times as they shall be needed for the purposes hereinafter mentioned, shall be executed by being signed by the President or Chairman of the Board of Supervisors, the County Treasurer, and the Auditor, of said county, and, after being so executed, shall be kept in the possession of the said County Treasurer until their further use is required, as hereinafter provided. Interest warrants or coupons shall be attached to the said bonds, and shall be signed by the County Treasurer, and the said bonds, with the interest warrants or coupons, shall be payable at the office of the said County Treasurer of the county of Butte.

SEC. 3. Whenever it shall, from time to time, appear, to the satisfaction of the Board of Supervisors, that any amount not less than four thousand dollars of expenditure has been made (exclusive of any cost or charge for right of way), either in the construction of, or the obtaining of materials for, said railroad, and, upon the transfer and delivery by the officers of said company of three-fourths of said amount, in the first mortgage bonds of said company, secured by a mortgage upon said railroad, its property, real and personal, and franchises, as also the earnings of said road, after paying the necessary current expenses, said bonds bearing interest at the rate of ten per cent. per annum, from and after the first day of July, A. D. one thousand eight hundred and sixty-three, which said interest shall be due and payable on the first day of January and July of each year; and, further *provided*, that said first mortgage shall not exceed in amount the sum of eight hundred and fifty thousand dollars, drawing the same rate of interest, and that there are no other liens or incumbrances, or right of liens thereon existing; it shall, in that case, and not otherwise, be the duty of the Board of Supervisors of the said county of Butte to deliver and pay over to the officers of said railroad company an equal amount of the said county bonds at their par value, the said amount being equal to three-fourths the amount of expenditure as hereinbefore provided or mentioned. All indebtedness, lien, or incumbrance, of any character, suffered or created by contract, judgment, or otherwise, by said company, subsequent to the date of the said first mortgage bonds of eight hundred and fifty thousand dollars, or that shall exceed that amount, shall be deemed subject and subsequent to said first mortgage bonds. Same.

SEC. 4. It shall be the duty of the Board of Supervisors to keep a full, true, and accurate, record of all its transactions relative to said county bonds and said railroad bonds, showing the date of the issuance of each bond to said railroad company, and the amount of said first mortgage bonds received by them in behalf of said county of Butte, and every matter done, acted, or transacted, by them, in and about the powers and duties imposed on them by this act. To keep accurate record, etc.

SEC. 5. It shall be the duty of [the] County Treasurer of said county of Butte to receive and collect all interests that may become due to the said county on the first mortgage bonds owned by said county, and to place the same to the credit of the Railroad Interest Tax Fund hereinafter provided for; and, in case Duty of County Treasurer.

there shall not be money enough in that fund to meet the interest on said bonds for the current year, it shall be the duty of the Board of Supervisors of the said county, previous to the making out of the duplicate assessment list of said county, in each year, to levy a special tax, to be called the "Railroad Interest Tax," sufficient to raise the amount necessary, or any deficiency thereof, to pay the interest due each year on the outstanding county bonds issued and paid out in pursuance of this act, which tax shall be levied and collected in the same manner as the general taxes of the said county are levied and collected, and shall be paid over to the County Treasurer, whose duty it shall be to use the said bonds exclusively for the purpose of paying the interest coupons which may be due on said bonds, on presentation at his office.

May sell certain bonds.

SEC. 6. At any time after the first day of May, A. D. one thousand eight hundred and sixty-two, the said Board of Supervisors of said county of Butte shall have power to sell said railroad bonds in the manner hereinafter provided, if it shall be deemed by them advisable for the best interests of said county, and the proceeds of such sales shall be placed in a Redemption Fund, to be used exclusively for the purpose of redeeming and paying such county bonds. All such sales shall be made at public sale, for cash, to the highest bidder, upon notice of at least thirty days in some newspaper published in said county, and shall be made at such times and in such quantities as shall secure the best prices; and not more than twenty-five thousand dollars of said railroad bonds shall be sold in any one year. Whenever the said Redemption Fund shall amount to three thousand dollars, or more, the said Treasurer shall advertise for the space of thirty days, in at least one daily newspaper published in said county, and if there be no daily newspaper published in said county, then in one or more weekly newspapers published in said county, for sealed proposals for the redemption of said county bonds.

Treasurer to advertise for sealed proposals.

In five days after the receiving of proposals shall have expired, according to said advertised notice, the Board of Supervisors shall open the sealed proposals, and shall award the said Redemption Fund to the lowest proposals; *provided*, no proposals which is not less than the par value shall be accepted; and in case the Redemption Fund is not exhausted by the acceptance of said proposals, then the said Redemption Fund, or the balance thereof, unless it amounts to less than one thousand dollars, shall be applied to the payment of said bonds in the order of the number of their issue. The said County Treasurer shall give notice of his readiness to pay such bonds, by designated numbers of the same, and the time and place of payment, by advertising in the same manner as before mentioned in this section; and in case that bonds are not presented for payment as required by said notice, then and thereafter said bonds shall draw no interest, and thereupon the said County Treasurer shall apply said fund, or the balance thereof, to the payment of the bond next entitled to precedence, in the order of the number of their issue, in case the same shall be presented for payment. The mode and manner for redeeming and paying said bonds, provided for in this section, shall be continued from time to time as long as there are

moneys in said Redemption Fund, and until the whole of said bonds are finally redeemed and paid.

SEC. 7. The Tax Collector of said county of Butte shall receive for his services, in collecting all moneys belonging to the Railroad, or Railroad Interest Tax Fund, a sum not exceeding three per cent.; and the Treasurer of said county, for receiving and disbursing said moneys belonging to the Railroad Interest Tax Fund, or that may pass through his hands by the operation of this act, shall receive a sum not exceeding two per cent. Compensation of Collector.

SEC. 8. This act shall be in force from and after its passage. To take effect.

CHAP. CXXIII.—*An Act to afford Protection to Immigrants to California.*

[Approved March 14, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Governor of the State is hereby authorized to appoint a competent person, to reside in the city of New York, in the State of New York, to act as a Commissioner of Emigrants; *provided*, the same can can be done without expense or charge to the State. Governor to appoint.

SEC. 2. The said Commissioners shall furnish at all times, to parties applying, such information as may tend to secure to them safe and proper transport to this State, and shall keep a record of all persons aided under the provisions of this act. He shall make an annual return to the Secretary of State, of the number of passengers leaving the port of New York for California, said return to embrace the nativity, age, sex, name, and destination, of each passenger. Duty of Commissio'r

SEC. 3. Said Commissioner shall hold his office for the term of two years. Term of office.

SEC. 4. Said Commissioner shall have a seal, which shall be affixed to all documents connected with his office, transmitted by him to this State, which seal shall be received in all the courts of this State, upon the same footing as Commissioners appointed under the act passed March twentieth, one thousand eight hundred and fifty, entitled "An Act empowering the Governor to appoint Commissioners of Deeds and to define the Duties of such Office," and the said Commissioners shall comply with all the requirements contained in said act. Seal.

SEC. 5. This act shall take effect from and after its passage. To take effect.

CHAP. CXXIV.—*An Act providing for the Payment of a Judgment in favor of Trustum C. Gilman, against the County of Contra Costa.*

[Approved March 14, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

WHEREAS, the Supreme Court has affirmed a judgment entered in the Seventh Judicial District Court in favor of Trustum C. Gilman, against the county of Contra Costa, which judgment was entered in said District Court on the twenty-second day of March, one thousand eight hundred and fifty-six, for the sum of twenty thousand four hundred and twenty-seven dollars and accruing interests and costs.

Duty of Supervisors.

SECTION 1. The Board of Supervisors of the county of Contra Costa are hereby empowered and directed to levy a special tax for the payment of the judgment recovered by said Gilman against the county of Contra Costa, now of record in the District Court of the Seventh Judicial District of this State, together with costs and interest at the rate of ten per cent. per annum, from rendition of judgment until paid.

Special tax levied.

SEC. 2. A special tax of one per cent. upon each one hundred dollars value of taxable property in the county of Contra Costa, is hereby levied and added to the tax-list of the fiscal years one thousand eight hundred and sixty and one thousand eight hundred and sixty-one, and said tax is hereby directed to be collected at the same time, and in the same manner, and by the same officers, as the taxes for the ordinary revenues of said county for said fiscal years.

Who authorized to make levy.

SEC. 3. The Board of Supervisors of the county of Contra Costa are hereby directed to levy the special tax created by the second section of this act, and they are also directed, annually, every subsequent year, to levy and add to the tax-list a tax of one per cent. upon each one hundred dollars value of the taxable property in said county, until a sufficient amount of taxes shall have been levied and collected to pay such judgment with interest at ten per cent. and costs. The taxes hereby directed to be levied and collected, shall be levied and collected at the same time, and in the same manner, and by the same officers, as the taxes for the ordinary revenues of said county for each fiscal year.

Purpose.

SEC. 4. The taxes created by this act are hereby specially appropriated and set apart for the payment of the judgment recovered by said Trustum C. Gilman, against the county of Contra Costa. The Treasurer of said county is hereby directed to keep the amount realized under this act a separate fund, denominated "The Gilman Judgment Fund," and not to mix the same with any other funds of said county.

Treasurer to pay over moneys collected.

SEC. 5. The Treasurer of said county of Contra Costa shall pay the money collected by virtue of this act, from time to time, upon demand, to said Trustum C. Gilman, his Executors, Administrators or assigns, and at the same time take a receipt therefor

from him or his assigns, and have said judgment credited with said payment or payments by the proper party or parties entitled to receive the same; and the said party or parties entitled to receive from the Treasurer the payment of said judgment, shall, before any payments are made by said Treasurer on account of the same, deliver to the Treasurer the warrant heretofore issued in favor of said Gilman, and known as Warrant Number Two Hundred and Sixteen, and the Treasurer shall cancel the same.

SEC. 6. If, at the time of assessing and levying the annual tax in said county in any year after the passage of this act, the tax hereby directed and imposed, for the purpose herein specified, shall, for any cause, fail to have been levied and collected as herein required, in any year prior thereto, the then existing Board of Supervisors shall, in addition to the tax provided to be levied and collected in sections two and three, levy and collect a sum sufficient to cover the amount of such deficiency, with interest, which amount shall be paid into a special fund hereby created, and disbursed in the same manner as other moneys in said fund, and not otherwise. In case tax is not collected.

SEC. 7. The Board of Supervisors of said county, their successors in office, all other officers now or hereafter to be authorized or empowered to levy or collect the taxes in said county, are hereby charged respectively with the duty of levying and collecting the tax provided for in this act.

SEC. 8. That said T. C. Gilman or his assigns shall be allowed until the first Monday in August next, to make known to the Board of Supervisors of said county his or their acceptance of said amount in full satisfaction and payment of all demands accruing at any time in his favor against the county [of] Contra Costa for building a bridge across the San Antonio Creek; *provided*, that if he fail to declare said acceptance to the Board of Supervisors on or before the first Monday in August next, then said special tax shall not be collected. Time allowed to accept.

CHAP. CXXV.—*An Act concerning Roads and Highways in the County of Siskiyou.*

[Approved March 14, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All roads in the county of Siskiyou, which have been declared such by the Court of Sessions or Board of Supervisors, are hereby declared public highways.

SEC. 2. The Board of Supervisors in said county shall have the general care and supervision of highways and bridges, and it shall be their duty to cause to be kept in good repair the highways and bridges in said county, as hereinafter provided; to regulate the roads as already laid out, and to alter such of them as may be deemed inconvenient; to lay out new roads, as provided in this act, and to divide the county into as many road dis- Duty of Supervisors.

tricts as they may deem necessary, and to let out by contract, as herein provided, the construction and repair of highways and bridges.

Consent of owner.

SEC. 3. No public or private road shall be laid out through any buildings or fixtures of any kind, or through any inclosed or cultivated land, without the consent of the owner thereof, except due compensation shall be made such owner, as hereinafter provided.

Manner of proceeding.

SEC. 4. Every person liable to be assessed for road tax in the county, may apply to the Board of Supervisors thereof, to alter, discontinue, or lay out, any new road within the county. Every such application shall be in writing, addressed to the Board of Supervisors, and signed by at least five persons, and shall state the point of beginning, course, and terminus, of the proposed road, with particularity; also, the character and condition of the land, with the names of the owners, when known to them, over which the road will pass, and whether the land be improved or not.

Same.

SEC. 5. On receiving such application, the Board may appoint three Viewers, who shall be tax payers of the county, and disinterested in the proposed road, and who shall, on a day to be named by the Board, and at least ten days after their appointment, assemble to view out and mark the line of the proposed road, and to hear all reasons that may be offered for and against laying out the same. They shall, within a reasonable time, report to the Board of Supervisors, in writing, signed by at least two of them:

First—The feasibility of the proposed road.

Second—The necessity for such road.

Third—The probable cost of its construction.

Fourth—The amount of damage that will be sustained by any person or persons, severally, by reason of laying out the same, with the recommendation that the same be or be not laid out.

Provided, that if the Viewers shall fail to comply with the law in an essential respect, the Board may set aside their report, and order another view to be had.

Board to give notice.

SEC. 6. The Board of Supervisors shall cause three or more notices to be posted in the most public places in the vicinity of the proposed road, at least ten days prior to the time of the meeting of the Viewers, stating the point of beginning, course, and terminus, of the proposed road; also, the names of the persons over whose lands the same will pass, when known, and the day on which the Viewers will assemble to view and mark out the line of the same. The Board shall also notify the owners of the land, when known, over which it is proposed to construct such road, of the time and place of the meeting of the Viewers, by having such notice served upon them personally, or left at their usual place of abode, or if absent from the county, then upon their agents.

If Viewers report against.

SEC. 7. In case the Viewers report against the laying out the proposed road, the Board of Supervisors may refuse to lay out the same; but if they shall report in favor of laying out the road, and the same does not pass through any inclosed, improved, cultivated, or occupied lands, they may, by an order filed with the County Clerk, lay out the same if they shall deem it proper to do so.

If Viewers report in favor.

SEC. 8. In case the Viewers report in favor of paying damages to any person or persons, in consequence of laying out any road, and the Board of Supervisors on the part of the county are satisfied that such damages are just and reasonable, and the party claiming damages is willing to accept the same in full satisfaction, the Board may order the amount thereof paid out of the county treasury, taking of the party a receipt in full for such damages, and proceed to declare the road a public highway, as provided in section seven of this act.

In case of disagreement.

SEC. 9. In case the Board of Supervisors, on the part of the county or the person claiming damages, shall be dissatisfied with the amount allowed by the Viewers, the Board shall appoint a commission, consisting of three persons, tax payers of the county, and disinterested in the proposed road, who shall on a day to be named by the Board, go upon the ground and personally examine the line of the proposed road, and hear witnesses that may be offered regarding the value of the land through which the road will pass, and the damages that will be sustained by any party in consequence of laying out the same, and shall within a reasonable time report to the Board, in writing, the amount of damages that will be sustained by any party by reason of the location of the said road, which report shall be signed by a majority of said Commissioners, and the damages allowed shall be ordered paid by the Board of Supervisors, and shall be final in the premises.

Failing to present claim.

SEC. 10. In case any person claiming damages in consequence of the laying out of any highway through his lands shall fail to present such claim to the Board of Supervisors within thirty days after the time appointed for the meeting of the Viewers, they shall be forever barred from collecting such claim for damages, unless damages were reported by the Viewers in favor of such persons or their predecessors in interest, or unless it shall appear that they failed to receive notice of the action of the Board of Supervisors in the premises, or were under some legal disability to present such claim for damages; *provided*, that no claim for damages shall be allowed in any case unless presented within six months from the time of the meeting of the Viewers. In case any proposed road shall pass through any improved, occupied, or cultivated, land, and the party owning the same shall fail to present a claim for damages, or to give the right of way through such land, the Board shall not declare such road a public highway until the expiration of the thirty days aforesaid.

May administer oaths.

SEC. 11. Viewers of Highways and Commissioners appointed by the Board of Supervisors for determining damages, shall have power to administer oaths to witnesses that may come before them in their capacity of Viewers and Commissioners.

Compensat'n of Commissioners.

SEC. 12. In case the Commissioners shall report in favor of a greater amount of damages than was allowed by the Viewers, the expenses of the Commissioners, not exceeding three dollars per day each, shall be paid out of the county treasury; but, in all other cases, they shall be paid by the party claiming damages.

Of Viewers.

SEC. 13. Viewers shall be paid out of the county treasury, not exceeding three dollars per day each for every day's service actually rendered.

tricts as they may deem necessary, and to let out by contract, as herein provided, the construction and repair of highways and bridges.

Consent of owner.

SEC. 3. No public or private road shall be laid out through any buildings or fixtures of any kind, or through any inclosed or cultivated land, without the consent of the owner thereof, except due compensation shall be made such owner, as hereinafter provided.

Manner of proceeding.

SEC. 4. Every person liable to be assessed for road tax in the county, may apply to the Board of Supervisors thereof, to alter, discontinue, or lay out, any new road within the county. Every such application shall be in writing, addressed to the Board of Supervisors, and signed by at least five persons, and shall state the point of beginning, course, and terminus, of the proposed road, with particularity; also, the character and condition of the land, with the names of the owners, when known to them, over which the road will pass, and whether the land be improved or not.

Same.

SEC. 5. On receiving such application, the Board may appoint three Viewers, who shall be tax payers of the county, and disinterested in the proposed road, and who shall, on a day to be named by the Board, and at least ten days after their appointment, assemble to view out and mark the line of the proposed road, and to hear all reasons that may be offered for and against laying out the same. They shall, within a reasonable time, report to the Board of Supervisors, in writing, signed by at least two of them:

First—The feasibility of the proposed road.

Second—The necessity for such road.

Third—The probable cost of its construction.

Fourth—The amount of damage that will be sustained by any person or persons, severally, by reason of laying out the same, with the recommendation that the same be or be not laid out.

Provided, that if the Viewers shall fail to comply with the law in an essential respect, the Board may set aside their report, and order another view to be had.

Board to give notice.

SEC. 6. The Board of Supervisors shall cause three or more notices to be posted in the most public places in the vicinity of the proposed road, at least ten days prior to the time of the meeting of the Viewers, stating the point of beginning, course, and terminus, of the proposed road; also, the names of the persons over whose lands the same will pass, when known, and the day on which the Viewers will assemble to view and mark out the line of the same. The Board shall also notify the owners of the land, when known, over which it is proposed to construct such road, of the time and place of the meeting of the Viewers, by having such notice served upon them personally, or left at their usual place of abode, or if absent from the county, then upon their agents.

If Viewers report against.

SEC. 7. In case the Viewers report against the laying out the proposed road, the Board of Supervisors may refuse to lay out the same; but if they shall report in favor of laying out the road, and the same does not pass through any inclosed, improved, cultivated, or occupied lands, they may, by an order filed with the County Clerk, lay out the same if they shall deem it proper to do so.

If Viewers report in favor.

SEC. 8. In case the Viewers report in favor of paying damages to any person or persons, in consequence of laying out any road, and the Board of Supervisors on the part of the county are satisfied that such damages are just and reasonable, and the party claiming damages is willing to accept the same in full satisfaction, the Board may order the amount thereof paid out of the county treasury, taking of the party a receipt in full for such damages, and proceed to declare the road a public highway, as provided in section seven of this act.

In case of disagreement.

SEC. 9. In case the Board of Supervisors, on the part of the county or the person claiming damages, shall be dissatisfied with the amount allowed by the Viewers, the Board shall appoint a commission, consisting of three persons, tax payers of the county, and disinterested in the proposed road, who shall on a day to be named by the Board, go upon the ground and personally examine the line of the proposed road, and hear witnesses that may be offered regarding the value of the land through which the road will pass, and the damages that will be sustained by any party in consequence of laying out the same, and shall within a reasonable time report to the Board, in writing, the amount of damages that will be sustained by any party by reason of the location of the said road, which report shall be signed by a majority of said Commissioners, and the damages allowed shall be ordered paid by the Board of Supervisors, and shall be final in the premises.

Failing to present claim.

SEC. 10. In case any person claiming damages in consequence of the laying out of any highway through his lands shall fail to present such claim to the Board of Supervisors within thirty days after the time appointed for the meeting of the Viewers, they shall be forever barred from collecting such claim for damages, unless damages were reported by the Viewers in favor of such persons or their predecessors in interest, or unless it shall appear that they failed to receive notice of the action of the Board of Supervisors in the premises, or were under some legal disability to present such claim for damages; *provided*, that no claim for damages shall be allowed in any case unless presented within six months from the time of the meeting of the Viewers. In case any proposed road shall pass through any improved, occupied, or cultivated, land, and the party owning the same shall fail to present a claim for damages, or to give the right of way through such land, the Board shall not declare such road a public highway until the expiration of the thirty days aforesaid.

May administer oaths.

SEC. 11. Viewers of Highways and Commissioners appointed by the Board of Supervisors for determining damages, shall have power to administer oaths to witnesses that may come before them in their capacity of Viewers and Commissioners.

Compensat'n of Commissioners.

SEC. 12. In case the Commissioners shall report in favor of a greater amount of damages than was allowed by the Viewers, the expenses of the Commissioners, not exceeding three dollars per day each, shall be paid out of the county treasury; but, in all other cases, they shall be paid by the party claiming damages.

Of Viewers.

SEC. 13. Viewers shall be paid out of the county treasury, not exceeding three dollars per day each for every day's service actually rendered.

SEC. 14. In assessing damages, Viewers and Commissioners shall always take into consideration the advantages the proposed road will be to the party claiming damages.

SEC. 15. The petition for the discontinuance of a public or private road, and the proceedings under it, shall be the same as in cases of the laying out of a new road, up to the finding of the report of the Viewers, which shall be in favor, or against, the discontinuance of said road. In case the report be against the discontinuance of such road, the Board of Supervisors shall refuse to discontinue the same; but, if the report be in favor of the discontinuance of the road, the Supervisors may, in their discretion, by an order to be filed with the County Clerk, discontinue such road.

Width of highways.

SEC. 16. All public highways hereafter laid out, shall be of the width of sixty feet; private roads shall not exceed forty feet.

SEC. 17. All duties enjoined upon the Board of Supervisors by this act may be performed either at general or special meetings thereof.

Private roads.

SEC. 18. Private roads may be laid out in the same manner as public roads, except the expenses of laying out the same, and the damages to be paid in consequence thereof, if any, shall be paid by the parties petitioning for the same. All private roads shall be opened and kept in good repair by the parties for whose benefit the same were laid out; and said parties shall cause good and substantial gates to be erected, and kept in good repair across said road, where it shall pass through any fence that may surround the inclosure, through which said road may pass.

Power to levy an annual road tax.

SEC. 19. The Board of Supervisors shall have power to levy an annual road tax on all able-bodied men, between the ages of twenty-one and fifty years, not to exceed two dollars to each man; *provided*, the provisions of this section shall not apply to any incorporated city.

Manner of levying and collecting.

SEC. 20. The tax levied under the preceding section of this act shall be collected by the Sheriff of said county, at the same time and in the same manner as the property tax is collected, and he shall have the same powers to enforce the collection thereof, as in the collection of the property tax. He shall receive for said collection the same per centage as allowed by law for the collection of property tax.

Notice to be given for the letting of contracts.

SEC. 21. Whenever any contract for the opening and construction of roads, the building of bridges, or the improvement and repairing of the same, is to be made, advertisement thereof shall be given by the Board of Supervisors, by posting written notice thereof in three of the most public places in the road district, in which said work is to be done, ten days prior to the letting of such contract, and all contracts shall be let to the lowest responsible bidder, subject to the approval of the Board; *provided*, that contracts for keeping it in repair may be let for a term not to exceed one year.

Blank receipts.

SEC. 22. The Board of Supervisors shall cause blank road-tax receipts to be issued, numbered and signed by their Clerk, for the use of the Sheriff, who shall upon delivery, receipt for the same, and in his statement account for all unreturned receipts as so much money collected.

SEC. 23. If any person shall obstruct any public road, by fell-

ing any tree across the same, or by placing any other obstruction therein, or damaging, digging, or deepening, a creek or river, or its banks, so as to destroy a ford or crossing, or shall willfully destroy or injure any bridge or causeway, or remove or cause to be removed any of the plank or timber therefrom, or cut down or injure any tree planted or growing as a shade tree, in any public highway, or damage any public highway by digging in it, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not exceeding five hundred dollars, which shall be paid into the county treasury, for the use of the road district in which the misdemeanor was committed. Placing obstructions. Penalty.

SEC. 24. The Board of Supervisors shall have power to levy a property tax for road purposes, not to exceed ten cents on each one hundred dollars value of property, to be levied and collected at the same time and in the same manner as other property taxes are collected. Property tax.

SEC. 25. All moneys collected under the provisions of this act, for road purposes, shall be paid by the Sheriff into the county treasury, at the same time he pays in other moneys collected as taxes on property, and shall be kept separate and apart from other moneys in the treasury. The amount collected in each separate road district of the county shall be set apart for the exclusive use of the district in which it was collected, to be appropriated under order from the Board of Supervisors for the benefit of said district in the discretion of the Board. Disposition of moneys.

SEC. 26. The taxes herein provided for may be levied by the Board of Supervisors for the present year, at any time prior to the first day of April. When to be levied.

SEC. 27. This act shall be in force from and after the date of its passage.

SEC. 28. An act entitled "An Act concerning Roads and Highways in the Counties of Humboldt, Napa, and Siskiyou," approved February nineteenth, one thousand eight hundred and sixty, and also an act entitled "An Act concerning Roads and Highways in the Counties of Tuolumne, San Joaquin, Plumas, and Siskiyou," approved April nineteenth, one thousand eight hundred and fifty-nine, and all other acts inconsistent with the provisions of this act, so far as applicable to the county of Siskiyou, are hereby repealed. Acts repealed.

CHAP. CXXVI.—*An Act to amend an Act entitled "An Act concerning the Office of County Assessor," passed March twenty-seventh, one thousand eight hundred and fifty.*

[Approved March 15, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said act is hereby amended so as to read as follows:

Sec. 1. The County Assessor shall hold his office for the term of two years from the date of his election and until his suc- Term of office.

cessor is elected and qualified, and shall do and perform all the duties which are now or may hereafter be required of him by law.

CHAP. CXXVII.—*An Act to authorize the Board of Supervisors of Tehama County to Levy certain Taxes in said County, and to create a Contingent Fund.*

[Approved March 15, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Tax levied.

SECTION 1. The Board of Supervisors of said county are hereby authorized and empowered to levy and assess upon all taxable property in said county, a tax of fifty cents on each one hundred dollars of property, in addition to the tax now authorized by law to be levied and assessed for general county purposes; and, also, a special tax of ten cents on each one hundred dollars of property, and the money arising from said special tax shall be set apart by the County Treasurer of said county, and shall form the Contingent Fund of said county, to be held subject to the order of the Board of Supervisors of said county, to pay the contingent expenses thereof.

Surplus money.

SEC. 2. The County Treasurer of said county is hereby authorized and required to transfer the surplus money now remaining in the Sinking Fund of said county to the Contingent Fund created by this act.

Moneys how collected.

SEC. 3. All taxes authorized to be levied and assessed, under provision of this act, shall be collected at the same time and in like manner as other taxes for county and State purposes are collected; *provided*, that the taxes of the present fiscal year may be levied by the Board of Supervisors at any time within thirty days from the passage of this act.

To take effect.

SEC. 4. This act shall take effect and be in force on and after its passage.

CHAP. CXXVIII.—*An Act to authorize the Trustees of Petaluma School District to levy a Tax for certain Purposes.*

[Approved February 15, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

May call an election.

SECTION 1. The Board of Trustees of Petaluma School District may, at any time after the passage of this act, call an election and submit to the qualified electors of the district the question whether they will be taxed to pay the debts contracted and now due, in building a school-house in said district.

SEC. 2. The election shall be notified and held in the same

manner as is provided for calling and holding an election for levying a tax for building a school-house, in an act approved April twenty-sixth, one thousand eight hundred and fifty-eight. Manner of calling.

SEC. 3. If a majority of the votes polled at such election shall be in favor of such a tax, then the Board of Trustees shall be authorized, and it shall be their duty, to levy and collect such tax in the manner provided by the act referred to in section two of this act. Tax levied.

CHAP. CXXIX.—*An Act for the Payment of J. Bithell.*

[Approved March 15, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Controller of State is hereby authorized and required to draw his warrant on the State Treasurer, in favor of J. Bithell, for the sum of one hundred and seventy-eight dollars and fifty cents, for stationery furnished at the tenth session of the Legislature, and the Treasurer is required to pay the above mentioned sum, which is hereby appropriated out of any money in the treasury not otherwise appropriated. To draw warrant.

CHAP. CXXX.—*An Act to confer further powers upon the Board of Education, and the Auditor and Treasurer of the City and County of San Francisco; also amendatory of an Act approved April twenty-third, one thousand eight hundred and fifty-eight, entitled "An Act to confer further powers upon the Board of Supervisors, and Auditor and County Treasurer, of the City and County of San Francisco, and to authorize them to perform certain Acts therein mentioned."*

[Approved March 15, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Superintendent of Common Schools and the Board of Education of the city and county of San Francisco, be, and they are hereby, authorized to issue school bonds in a sum not to exceed seventy-five thousand dollars ($75,000), payable fifteen years from the first day of March, one thousand eight hundred and sixty. or sooner, at the option of the said Board of Education, and bonds shall draw interest at the rate of ten per cent. per annum. The interest payable semi-annually on the first days of January and July, either in the cities of New York or San Francisco. School Bonds.

SEC. 2. As soon as the bonds are issued, the Superintendent of Common Schools and the Board of Education are hereby authorized to sell the said bonds, and pay the proceeds thereof into the Bonds to be sold.

treasury of the city and county of San Francisco, to the credit of the School Fund; and it shall constitute a part of the same, and shall be appropriated and paid out upon the orders of the Board of Education, in the same manner as provided by law for the payment of demands upon the School Funds, for the sole purpose of erecting school buildings, purchasing lots, fencing and improving the same, for the use of the public schools of said city and county.

Sinking Fund creat'd

SEC. 3. In order to secure the payment of the interest and principal of said bonds, it shall be the duty of the Treasurer of said city and county to set apart, annually, out of the first moneys coming into the treasury of said city and county, to the credit of the School Fund, a sum sufficient to pay the semi-annual interest, also the sum of five thousand dollars ($5,000) as a Sinking Fund for the redemption of said bonds.

To advertise for proposals

SEC. 4. It shall be the duty of the Superintendent of Common Schools and Treasurer of said city and county, to advertise from time to time, for thirty days, in two daily papers in the city of New York, and also in the city of San Francisco, for proposals to redeem or surrender said bonds, upon the best terms, not exceeding their par value, and report to the Board of Education, who shall immediately thereafter order paid the amount necessary to redeem the bonds so offered, and shall issue audited demands in the usual form; and the Auditor of said city and county is hereby authorized and required to audit, and the City and County Treasurer to pay, the same out of the Sinking Funds in his hands; *provided*, the amount of such demands shall not exceed the money in the treasury to the credit of said Sinking Fund. And if the tender to redeem be not equal to the amount of money to the credit of the Sinking Fund, then the said Superintendent of Common Schools and Treasurer shall have power to loan any money to the credit of any Sinking Fund, for redemption of school bonds, in the security of any of the bonds of the city and county of San Francisco, or the State of California, at the best rates of interest obtainable.

SEC. 5. Subdivision two, of section one, of "An Act to confer further Powers upon the Board of Supervisors, and Auditor, and Treasurer, of the City and County of San Francisco, and to authorize them to perform certain Acts therein mentioned," approved April twenty-third, one thousand eight hundred and fifty-eight, is hereby amended so as to read as follows:

Sec. 1, Sub. 2. To allow and order paid, out of the General Fund, from the first day of April, one thousand eight hundred and fifty-eight, and the first day of July, one thousand eight hundred and fifty-nine, sums not exceeding, in the aggregate, twelve thousand dollars, and the sum of six thousand dollars in any one fiscal year thereafter, for repairs upon that portion of the streets around the public squares, school lots, and in front of public buildings, for which individuals are not now by law liable, the expenditures being first authorized by order of the said Board of Supervisors; *provided*, that said Board of Supervisors may allow and order paid out of the said twelve thousand dollars the amount that may be legally or equitably due to George W. Smith for repairs made at the junction of Market, Bush, Fre-

Repairs of streets.

mont, and Front streets, in the fall of one thousand eight hundred and fifty-six.

SEC. 6. The Board of Education of the city and county of San Francisco are authorized to prohibit any child under six years of age from attending any public school in said city and county. Children under six years of age.

SEC. 7. The Board of Education shall also be authorized to draw warrants, in the usual form, upon the General Fund, and it shall be the duty of the Auditor to audit, and the Treasurer to pay from said fund any sum not exceeding five hundred dollars to fit up an office for the Superintendent and the Board of Education, and also any sum not exceeding one hundred dollars per month for the rent of said office. Rent, etc.

SEC. 8. The Board of Education shall also be authorized to draw warrants upon the School Fund in such sums as they may deem necessary, not exceeding three hundred dollars, monthly, for the sole purpose of paying Janitors to take care of school buildings. Janitors.

SEC. 9. The Superintendent of Common Schools of the city and county of San Francisco shall, from and after the fifteenth day of February, one thousand eight hundred and sixty, be allowed a Clerk, who shall also act as Secretary of the Board of Education, to be paid a salary at the rate of one hundred and twenty-five dollars per month, and it shall be the duty of the Auditor to audit and the Treasurer of said city and county to pay the same from the School Fund. Clerk allowed.

SEC. 10. All acts or parts of acts, contrary to or inconsistent with the provisions of this act, are hereby repealed. Acts repealed.

SEC. 11. The Board of Education are hereby authorized to draw a warrant, not to exceed the sum of five hundred dollars, payable out of the School Fund, to defray the expenses of printing the bonds authorized by this act. Printing of bonds.

SEC. 12. This act to take effect from and after its passage.

CHAP. CXXXI.—*An Act to extend the time for Collecting Taxes in the County of San Luis Obispo.*

[Approved March 16, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Sheriff of the county of San Luis Obispo is hereby authorized and empowered to continue the collection of State and county taxes due in said county on the assessment roll of one thousand eight hundred and fifty-nine, until the first Monday in May next, and for such purposes he shall have all the powers given to Sheriffs by the act to provide revenue for the support of the general government of this State; and in said collection he shall be governed in all respects by said act, and he shall not be required to make his final settlement, or return his delinquent list, until the first Monday in May next; *provided*, he Limit.

shall make settlement, in accordance with the provisions of said act, of all taxes collected before proceeding under this act.

SEC. 2. This act shall expire on the fifteenth day of May next, and during its continuance all provisions of laws in conflict or inconsistent with this act are hereby suspended.

CHAP. CXXXII.—*An Act to provide for the correct Report and Publication of the Decisions of the Supreme Court.*

[Approved March 17, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Duty of Reporter.

SECTION 1. It shall be the duty of the Reporter of the Supreme Court, to prepare in an exact and accurate manner, a report of all such cases decided by said court, as he may be directed to report by the court. Each report shall include the title of the cause, a synopsis of the points decided, a clear and brief statement of the facts, so far as may be necessary to present distinctly the points decided, when such statement is not given in the opinion of the court, the points made and authorities cited by counsel, so far as the same are passed on in the opinion of the court, with the names of the counsel, and the opinion or opinions of the court, subject to the supervision and correction of the said Justices; and each of said Justices shall be furnished with proof sheets of each volume, at least one month before the publication thereof, for the purpose of correcting typographical and classical errors therein, and for no other corrections; and the said proof sheets so corrected, shall be returned by them so corrected, within a month after their receipt, together with a complete index and table of cases; *provided*, that such opinions and decisions as the Judges shall deem unnecessary to report, shall be so indorsed by the Justice delivering them, before the filing thereof in the Clerk's office of said court.

Style of work.

SEC. 2. The reports shall be published in well bound volumes, containing not less than seven hundred pages, and not exceeding eight hundred and fifty pages octavo; said reports shall be printed on good book paper, in long primer, leaded, except the title page, the table of cases, the synopsis, and index, which shall be in suitable type; and the Justices of the Supreme Court are required to see that said reports do not contain matter unnecessary to be reported, or improperly increasing the number of said volumes.

SEC. 3. Before any volumes of the said reports, which are required by law to be delivered to the State, shall be received,

Certificate.

it shall be the duty of the reporters to obtain the certificate of the Chief Justice, and one of the Associate Justices of said court that the said volumes are correctly reported.

CHAP. CXXXIII.—*An Act for the Relief of Michael Gregory.*

[Approved March 21, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Register of the State Land Office, is hereby authorized and directed to issue to Michael Gregory, a full paid certificate of purchase, for three hundred and twenty acres of swamp land, to be selected by him, in consideration of the sum of three hundred and twenty dollars, paid by him into the State treasury on the ninth day of April, one thousand eight hundred and fifty-six. Certificate of purchase.

CHAP. CXXXIV.—*An Act to amend an Act entitled "An Act concerning the Office of Public Administrator, and making it Elective," approved April fifteenth, one thousand eight hundred and fifty-one.*

[Approved March 20, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of "An Act concerning the Office of Public Administrator and making it Elective," approved April fifteenth, one thousand eight hundred and fifty-one, is hereby amended so as to read as follows:

Sec. 2. Every Public Administrator hereafter elected or appointed, before entering upon the duties of his office, shall execute a bond, with sureties, to be approved by the Probate Judge, in a sum not less than fifteen thousand dollars, and which may be increased at any time, in the discretion of the Probate Judge, conditioned for the faithful performance of all the duties enjoined on him by law, and particularly that he will account for and pay over all moneys and property that may come into his hands as such Public Administrator; *provided*, that the Probate Judge may in his discretion, for good cause shown, fix the amount of bond at not less than three thousand dollars. Bond.

SEC. 2. Section three of said act is hereby amended so as to read as follows:

Sec. 3. He shall be authorized and required to perform such duties as are prescribed by law, and shall not be required to obtain letters of administration therefor, but may proceed to the performance of the same by virtue of his office, and shall receive such compensation as may be prescribed by law; *provided*, that the provisions of this act shall not apply to the city and county of San Francisco and the city and county of Sacramento, but in said city and county of San Francisco and the said city and county of Sacramento, the Public Administrator shall give bonds, to be approved by the Probate Court, in the sum of not less than thirty thousand dollars, and shall procure letters of administration on each estate, by petition as in other cases. Duty and how compensated.

CHAP. CXXXV.—*An Act to Fix the Time of Holding the County Court and Court of Sessions in Solano County.*

[Approved March 20, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The terms of the County Court and the Court of Sessions of Solano County shall hereafter be held at the same time, on the third Mondays of April, August, and December, of each year, and shall continue until all the business of each court shall be disposed of.

Time and limit.

SEC. 2. The trial jury summoned for the Court of Sessions of said county, shall be the trial jury of the County Court thereof.

SEC. 3. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

Acts repealed.

CHAP. CXXXVI.—*An Act to Exempt from Taxation certain Property of the Trustees of the Masonic Hall Association.*

[Approved March 20, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. That certain lot of land, with the improvements thereon, situate and being in the city of San Francisco, State of California, and described as that lot of land and premises on the northeast corner of Post and Montgomery streets, fronting seventy-five feet on Montgomery Street, and running westerly on Post Street one hundred and sixty feet of an equal width with said frontage, is hereby exempted from the payment of any and all taxes assessed or to be assessed for State, city, and county purposes; *provided*, that such exemption shall continue no longer than said lot and premises are held for the use and benefit of the Masonic fraternity, and that this act may be at any time repealed.

Property exempt.

CHAP. CXXXVII.—*An Act Defining the Number of Justices of the Peace and Constables for the City and Township of Placerville, in El Dorado County.*

[Approved March 20, 1860.]

The People of the State of California, represented in Senate and Assembly do enact as follows:

SECTION 1. There shall be elected annually, at the general election, not more than two Justices of the Peace and two Con-

Justices and Constables.

stables, for the city and township of Placerville, El Dorado County.

SEC. 2. The jurisdiction of said Justices of the Peace in civil actions and the jurisdiction of said Constables, shall include said city and township.

SEC. 3. All acts and parts of acts inconsistent with this act are hereby repealed; *provided*, nothing in this act shall be construed to interfere with the duties of any Justices or Constables already elected for said city and township. Acts repealed.

CHAP. CXXXVIII.—*An Act to extend "An Act to Prevent Stallions from Running at Large in the County of Sacramento," approved March twenty-eighth, one thousand eight hundred and fifty-nine.*

[Approved March 20, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. "An act to Prevent Stallions from Running at Large in the County of Sacramento," approved March twenty-eighth, one thousand eight hundred and fifty-nine, is hereby extended to and made applicable to the counties of Sutter, Alameda, Yuba, El Dorado, Placer, Santa Cruz, Calaveras, Amador, Santa Clara, Mariposa, Merced, Yolo, and Stanislaus. What counties applicable.

CHAP. CXXXIX.—*An Act amendatory of, and supplementary to, "An Act to Grant the Right to Construct and Maintain a Bridge across Feather River," approved April twenty-sixth, one thousand eight hundred and fifty-eight.*

[Approved March 20, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Third section of said act is hereby amended so as to read as follows:

Sec. 3. The said bridge shall be constructed upon the most approved plan and of durable materials, and in a substantial manner, and any damage that may accrue, by reason of negligence or inattention to the duties as prescribed in this act, shall be at the cost of the owners of said bridge, to be recovered in any court of competent jurisdiction. Plan and construction

SEC. 2. The times and periods mentioned in said act, to which this act is supplementary, within which any act or thing is required to be done, commenced, or completed, are hereby extended, and shall be deemed to commence and run from the date Act when to commence.

of the passage of this act, and not from the date of the original act.

Proviso. SEC. 3. *Provided*, that there is nothing in this act, nor in the act to which this is supplemental, which shall be so construed as to prevent the Board of Supervisors of the county of Sutter from erecting a bridge across Feather River, at the foot of Fifth Street, Marysville, in accordance with an act passed at the tenth session of the Legislature, and approved April eleventh, one thousand eight hundred and fifty-nine, or in anywise to enable the said Samuel J. Clark, mentioned in said act, to which this is supplemental, his associates or assigns, to obtain damages of the Board of Supervisors for the county of Sutter, for the erection of such bridge at the foot of Fifth Street, Marysville.

CHAP. CXL.—*An Act supplementary to, and amendatory of, "An Act concerning Offices," approved April twenty-eighth, one thousand eight hundred and fifty-one.*

[Approved March 20, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Whenever the title of the incumbent of any office of this State shall be brought in question by proceedings instituted in the courts to oust such incumbent, it shall not be lawful for the Controller to draw, or the Treasurer to pay, any warrant upon the treasury for the salary of such office, until the title to the same shall have been finally determined by the courts of this State.

SEC. 2. Any violation of the provisions of this act shall be Misdemean'r deemed a misdemeanor, and punished by a fine of not less than five hundred dollars, nor more than three thousand dollars.

Deemed to have notice. SEC. 3. The Controller shall not be deemed to have notice of the pending of the suit instituted to oust the incumbent of such office until there shall be served on him a certificate, signed by the Clerk of the court in which the suit was instituted, setting forth the existence of such suit, and stating the name of the office the title to which is in dispute.

CHAP. CXLI.—*An Act authorizing and empowering the County Recorder of Sonoma County to transcribe certain Records, and to legalize the same.*

[Approved March 20, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The County Recorder of Sonoma County, is hereby authorized and required, as soon as the same can conveniently be done, to transcribe into suitable and well bound books, all instruments contained in the following books of record, kept in the Recorder's office, namely: The books known as A, B, BB, C, D, E, F, G, H, K, M, also, book A of Releases, and the old book of Brands and Marks. Duty of Recorder.

SEC. 2. The books of record, and each of the entries therein made, as directed by section one of this act, shall have the same force and effect as the original records transcribed therein may have had, and copies of any of the records or entries transcribed, as provided in this act, shall have the same force and effect as copies of the original records and entries may have had. Force and effect.

SEC. 3. For services rendered under this act, the said County Recorder of Sonoma County, shall be allowed the sum of ten cents for each and every folio; and the same shall be paid out of the county treasury, in the same manner as other demands against the said Sonoma County are paid. Fees.

SEC. 4. The original records shall be carefully preserved in the office of said County Recorder, for future reference.

CHAP. CXLII.—*An Act to Change the Name of the Town of Union to that of the Town of Arcata.*

[Approved March 20, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The tract of land situated in the county of Humboldt, heretofore known as the town of Union, incorporated under an act entitled "An Act to Incorporate the Town of Union," approved February second, one thousand eight hundred and fifty-eight, is hereby changed to the name of the town of Arcata. Name changed.

CHAP. CXLIII.—*An Act for the Payment of Expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State.*

[Approved March 20, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. The sum of sixty thousand four hundred and seventy-five dollars and eighty-five cents, is hereby appropriated out of any money in the General Fund not otherwise appropriated, for the payment of the indebtedness incurred by the expedition against the Indians in the counties of Tehama, Shasta, Plumas, and Butte, during the year A. D. one thousand eight hundred and fifty-nine.

Schedule of pay.

SEC 2. The following schedule of pay is hereby established for the officers and men engaged in the expedition, to wit:

For pay and allowance of Captain, one hundred dollars per month.
For Surgeon, one hundred dollars per month.
Commissary, eighty-five dollars per month.
First Lieutenant, seventy-five dollars per month.
Second Lieutenant, sixty-five dollars per month.
Second Brevet-Lieutenant, sixty dollars per month.
Orderly Sergeant, fifty-five dollars per month.
Three Duty Sergeants, fifty dollars, each, per month.
Four Corporals, forty-five dollars, each, per month.
Privates, forty dollars, each, per month.

SEC. 3. The Board of Examiners created by an act entitled "An Act to create a Board of Examiners, to define their Powers and Duties, and to impose certain Duties upon the Controller and Treasurer," approved April twenty-first, one thousand eight hundred and fifty-eight, are hereby required to audit and allow all legal claims against the State, for services rendered, supplies furnished, and expenses incurred, in the late Indian war in Tehama, Shasta, Plumas, and Butte counties, in the same manner that they are required to audit and allow other claims against the State; and the Controller shall draw his warrants on the Treasurer for such amounts, and in favor of such persons, as shall be audited and allowed by said Board under the provisions of this act.

Claims to be audited.

SEC. 4. Should any surplus remain, after paying such claims, it shall be returned to the General Fund.

To take effect.

SEC. 5. This act shall take effect from and after its passage.

CHAP. CXLIV.—*An Act to Fund the Debt of the County of Sonoma, and provide for the Payment of the same.*

[Approved March 20, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. With a view to fund the debt of the county of Sonoma, in this State, and provide for the payment of the same, the Treasurer of said county shall cause to be prepared bonds to the amount of the present county indebtedness, together with all the indebtedness that shall have accrued up to the first day of October, A. D. one thousand eight hundred and sixty. Said bonds shall be of the denomination of fifty, one hundred, and five hundred dollars, each, and each and every bond shall purport, in substance, that the county of Sonoma owes to the holder thereof the sum expressed therein, bearing an interest at the rate of ten per centum per annum from date of issue; the interest to be paid on presentation at the office of the Treasurer of said county, on the first Monday in March, one thousand eight hundred and sixty-one, and on the first Monday in March of each year thereafter, until said bonds shall be paid. Said bonds shall be due and payable at the office of the County Treasurer, on or before the first Monday of October, one thousand eight hundred and sixty-six, and they shall be signed by the Chairman of the Board of Supervisors, countersigned by the County Auditor, and indorsed by the County Treasurer, and shall have the seal of the County Recorder annexed thereto. Bonds.

SEC. 2. It shall be the duty of the Chairman of the Board of Supervisors to keep an account of the number, denomination, and amount, of all bonds signed by him in accordance with the provisions of this act. It shall be the duty of the County Auditor of said county to furnish the County Treasurer a certified copy of the record of all warrants or orders issued from his office since the year A. D. one thousand eight hundred and fifty-seven, and for all indebtedness of said county accruing prior to the first day of October, one thousand eight hundred and sixty. Duty of Chairman.

SEC. 3. It shall be the duty of the County Treasurer to examine all warrants presented for funding, and ascertain if they are the true and correct ones issued according to the Treasurer's and Auditor's books, corresponding with the entries therein, and no other than those found to be true and lawful ones shall be funded. Of Treasurer.

SEC. 4. It shall be the duty of the Treasurer and Auditor aforesaid, each to keep a separate record of all the bonds issued in accordance with this act, showing the number, date, and amount of the different bonds, and to whom issued. Of Treasurer and Auditor.

SEC. 5. Any person holding true and lawful warrants against the county of Sonoma, as provided in the third section of this act, shall have the privilege of receiving in exchange therefor, ten per cent. bonds, as provided for in the first section of this act; and the Treasurer is hereby directed and authorized to issue said bonds to the persons holding said warrants, at the rate of dollar for dollar, including the interest which may have accrued May exchange.

on the said warrants, on the first day of October, one thousand eight hundred and sixty; *provided*, that said warrants be presented within ninety days after the said first day of October, one thousand eight hundred and sixty, to the Treasurer of said county.

SEC. 6. All bonds issued in exchange for warrants shall bear date on the first day of October, one thousand eight hundred and sixty.

Warrants to be indorsed.

SEC. 7. The Treasurer shall indorse on the back of each warrant received by him in exchange for bonds, as aforesaid, the date on which he redeemed the same and from whom received, and shall file the same in his office so indorsed, and keep a record of the same, with the date and amount of the warrant.

Monthly meeting.

SEC. 8. It shall be the duty of the Chairman of the Board of Supervisors and the County Auditor together, to attend once in every four weeks at the office of the County Treasurer, until the expiration of the time within which warrants can be funded, in accordance with this act, to examine all warrants redeemed by the Treasurer, and cause the same to be registered and canceled in such manner as to prevent their being reissued, or in any manner again put in circulation. At the monthly meeting aforesaid the said officers shall compare their respective records of the date, number, and amount, of the bonds, respectively signed, countersigned, and indorsed, by them, and ascertain whether or no any bonds have been wrongfully issued or warrants wrongfully redeemed by the County Treasurer.

Expenses.

SEC. 9. The County Treasurer shall keep a correct account of the expenses actually incurred by him in the purchase of the necessary record books and other articles required to carry into effect the provisions of this act, and the same shall be audited by the Board of Supervisors, and paid out of any money in the county treasury not otherwise appropriated; *provided*, the same shall not exceed seventy-five dollars.

Interest.

SEC. 10. Before any interest shall be due on the bonds issued in conformity with this act, the County Treasurer shall procure a receipt book, and before he pays the amount of interest due as aforesaid on any of said bonds, he shall require of the person entitled to receive the same to sign a receipt for the amount so received, which shall be written in said receipt book, which book shall be preserved by the Treasurer, and the receipts therein contained shall be sufficient evidence that the interest on the bonds to which they apply has been paid, and a voucher to the Treasurer for their respective amounts in his settlement with the County Auditor.

Fractional sums.

SEC. 11. If in the exchange of warrants for bonds, in accordance with this act, it shall happen that any person shall have a fractional sum less than the amount of bonds authorized to be issued by this act, the County Treasurer shall issue to the holder thereof a certificate for such fractional sum, and upon presentation of the same to the County Auditor he shall draw a warrant on the County Treasurer for the amount so certified.

SEC. 12. In addition to the ordinary taxes now authorized by law to be levied for general county purposes, there shall this year, and every year thereafter until the principal and interest of the said bonds to be issued shall be fully provided for, by pay-

ment as hereinafter specified, be assessed and collected at the same time, in the same manner, and by the same officers, as the ordinary county revenue, a special tax, not to exceed twenty-five cents on each one hundred dollars' valuation of all taxable property in said county. One-half of said special tax shall be paid into and known as the Interest Fund of the county of Sonoma; the other half of said special tax shall be paid into and known as the Sinking Fund of the county of Sonoma—all of which shall be collected as aforesaid, in the legal coin of the United States, and paid out by the County Treasurer of said county as hereinafter directed, but in no other way; neither shall it be used, directly or indirectly, for any other purpose than the liquidation of the principal and interest of the bonds hereinafter authorized to be issued. Special tax.

SEC. 13. The Interest Fund above provided for shall be kept separate and distinct from all other funds of the county, and shall be paid over by the County Treasurer to those entitled to receive the same—to each the amount of interest due on the several bonds issued in accordance with this act—on the first Monday of March in each year, until said bonds are redeemed; *provided*, that if the above named Interest Fund shall be insufficient to pay the annual interest on the said bonds, then the County Treasurer shall use so much of the Sinking Fund for that purpose as will pay the balance of the annual interest on the aforesaid bonds; *provided*, further, that if there shall be any of the Interest Fund in the treasury after paying all the interest due on the said bonds in each year, the same shall be turned over to, and remain a part of, the Sinking Fund before provided for. Interest Fund.

SEC. 14. If, on the first day of October in any year until said bonds are all redeemed, there be any of the General County Fund that has not been needed in paying the current expenses of the county for the year ending at that time, the same shall be paid into, and become a part of, the Sinking Fund aforesaid. Transfer of funds.

SEC. 15. Whenever at any time there shall be on hand, belonging to the Sinking Fund, the amount of five hundred dollars and upwards, the County Treasurer shall give notice by posting written notices at each of the three most public places in the county, for the space of ten days, for proposals for the redemption of the said bonds; said notices to name the day, hour, and place, said proposals are to be opened, after the expiration of the time so named. The County Treasurer shall open the said proposals at his office, in presence of the County Judge or one of the members of the Board of Supervisors, and such other persons as may choose to be present, and proceed to pay the same to the person or persons making the greatest reduction in the bonds held by them and issued as aforesaid; *provided*, that he shall in no case pay more than par value for any of said bonds; and, *provided* further, that if no person shall offer bonds for less than par value, then the Treasurer shall pay the amount *pro rata* on all bonds offered at par; and, *provided* further, that whenever at any time there is money enough in the Sinking Fund to pay all outstanding bonds issued as aforesaid, the County Treasurer shall post, at three of the most public places in the county, a no- Proposals for redemption.

tice for the redemption of the said bonds, after which time the said bonds shall cease to bear interest.

Duty of Treasurer.

SEC. 16. The County Treasurer shall indorse on each bond redeemed the date of redemption, and from whom redeemed, and the amount it required to redeem the same, and also make a like entry in his account with the Sinking Fund; and it shall be the duty of the County Judge and County Auditor, whenever such bonds are so redeemed, to attend at the office of the Treasurer, and see that said bonds are properly canceled, so that they cannot again be put in circulation.

Open for inspection.

SEC. 17. Full and particular accounts of the Interest and Sinking funds in this act provided for, shall be kept by the County Treasurer, and shall, at all office hours, be open to the inspection of the County Judge, Board of Supervisors, County Auditor, Grand Jury of said county, and all other persons—tax payers of the county—who choose to examine the same; and the Treasurer of said county shall, once in each year, make out a report in writing, containing a concise statement of all his transactions under the provisions of this act, which shall be directed to the Board of Supervisors and filed in the office of the County Clerk, and open to inspection.

Compensat'n

SEC. 18. The Treasurer shall receive for his services as aforesaid the same per centage that he is allowed for the disbursement of other moneys out of the County Treasury, and no more, to be retained out of the money so disbursed. For the services performed by another officer or officers, in accordance with the provisions of this act, they shall receive such compensation as is allowed them for similar services in other cases, to be audited by the Board of Supervisors, and paid out of the County Treasury as other charges against the county are paid.

What deemed a misdemean'r

SEC. 19. Any county officer or officers of the said county of Sonoma willfully neglecting or refusing to comply with the requisitions or provisions of this act, shall be deemed guilty of a misdemeanor in office, and fined in a sum not less than two hundred, or more than one thousand, dollars, to be recoverable before any court of competent jurisdiction, or dismissed from office, or both such fine and dismissal, in the discretion of the court; and it is hereby made the duty of the County Attorney to prosecute all delinquents under this act.

Powers of court.

SEC. 20. The District Court having original civil jurisdiction in the county of Sonoma, shall have power to enforce obedience to the provisions of this act, and for that purpose may issue process of mandamus, prohibition, and all other writs authorized by law.

SEC. 21. On the first day of October, one thousand eight hundred and sixty, the Treasurer of Sonoma County shall advertise, by posting written notices, one at the court-house door and one at each of the four next most public places in said county; and, also, by giving the same four insertions in one weekly newspaper published in the town of Santa Rosa, and also one weekly newspaper published in the city of Petaluma, in said county of Sonoma, that, from and after that day, the funding of the then outstanding indebtedness of Sonoma County will commence—

Funding of debt.

from which time it shall not be lawful for the Treasurer of said county to pay or liquidate any of the then outstanding indebt-

edness of said county in any other way than by funding it in accordance with the provisions of this act. Nor shall said Treasurer, under any pretense whatever, liquidate or pay any portion thereof, only in accordance with said provisions. The expense for publishing, in accordance with this section, shall be paid out of the General County Fund.

SEC. 22. So much of the sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, and eighteenth sections of an act entitled "An Act concerning the Office of County Treasurer," passed March twenty seventh, one thousand eight hundred and fifty, and all other acts and parts of acts as conflicts with the provisions of this act, is hereby repealed; *provided*, such repeal shall not be construed so as to affect any other county than Sonoma, and shall apply in said county only to the indebtedness of said county which accrued prior to the first day of October, one thousand eight hundred and sixty. Acts repealed.

SEC. 23. All fines and penalties collected under the provisions of this act shall be paid into the General County Fund for county purposes. Penalties.

CHAP. CXLV.—*An Act defining the locality of the Village of Strawberry Valley.*

[Approved March 22, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The dividing line between Butte and Yuba counties is hereby altered as follows: Beginning at the highest point in the present county line, within three hundred yards east of the village of Strawberry Valley, and running thence in a right line to a point in the present county line two thousand feet distant from the place of beginning, and on the western and opposite side of said village of Strawberry Valley, so as to leave the said village of Strawberry Valley wholly in Yuba County. Location.

SEC. 2. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

CHAP. CXLVI.—*An Act amendatory of, and supplemental to, an Act entitled "An Act to create Inspectors of Pork, Beef, and Salt Provisions, in this State," approved April twenty-first, one thousand eight hundred and fifty-six.*

[Approved March 22, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said act is hereby amended so as to read as follows:

Governor to appoint.

SEC 1. The Governor shall, by and with the advice and consent of the Senate, appoint and commission an Inspector of pork, beef, and salt provisions, in this State, who shall reside and have his office in the city of San Francisco, and comply with the provisions of section two of this act, before entering upon the duties of his office, the term of which office shall be two years, and until his successor shall be appointed and qualified; and the Inspector is authorized to appoint Deputies, who shall take the oath of office, and give bonds, if required by said Inspector.

Deputies.

SEC. 2. Section fifteen of said act is hereby amended so as to read as follows:

SEC. 15. The Inspector shall have seventy-five cents a barrel for inspecting and branding all pork, beef, and salt provisions; two hundred pounds to constitute one barrel.

Penalty.

SEC. 3. Every person who shall sell or ship, or attempt to sell or ship, any pork, beef, or salt provisions, contrary to the provisions of this act, shall forfeit the sum of twenty dollars for every package so sold or shipped, or attempted to be sold or shipped.

SEC. 4. This act shall not be so construed as to apply to any beef, pork, or salt provisions, slaughtered and packed in this State.

Duty of Inspector.

SEC. 5. No pork, beef, or salt provisions, shall be offered for sale in this State, without first being inspected, pickled if necessary, and branded by an Inspector, duly qualified according to the provisions of this act, except as is provided for in section four of this act.

SEC. 6. All fines collected under the provisions of this act, shall be paid over to the State Treasurer, and placed to the credit of the State Insane Asylum.

To take effect.

SEC. 7. This act shall take effect from and after its passage.

CHAP. CXLVII.—*An Act to amend "An Act amendatory of 'An Act concerning Roads and Highways,'" passed April nineteenth, one thousand eight hundred and fifty-six, and to make applicable in so far as the Counties of Trinity and Butte are concerned.*

[Approved March 24, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section sixth of said act is hereby amended so as to read as follows:

SEC. 6. The Board[s] of Supervisors of the counties of Trinity and Butte shall have power to levy a road tax on all able-bodied men between the ages of twenty-one and fifty years, which shall not exceed three dollars per annum, and a property tax which shall not exceed five cents on each one hundred dollars, for road purposes, to be levied and collected at the same time and in the same manner as other property taxes are collected; *provided*, that the provisions of this section, so far as relates to the road tax, shall not apply to any of the incorporated cities of this State; and, *provided* further, that any person liable to pay road tax as herein provided, may, at his option, pay the same by one day's labor on the road, under the direction of the Overseer. Road Tax.

SEC. 2. Section eleventh of said act is hereby amended so as to read as follows.

SEC. 11. The Overseer[s] in the counties of Trinity and Butte shall each receive for their services while in actual employment, such compensation as shall be allowed by the Board of Supervisors, not to exceed five dollars per day. Compensation.

SEC. 3. This act shall be in force from and after its passage.

CHAP. CXLVIII.—*An Act to fix the times of holding the District Court of the Third Judicial District.*

[Approved March 24, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. *First*—In the county of Alameda there shall be held a term of said District Court on the first Monday of April, A. D. one thousand eight hundred and sixty, as now provided by law, and thereafter on the third Mondays of July, November, and March. Time of holding

Second—In the county of Monterey there shall be held a term of said court on the fourth Monday of April, one thousand eight hundred and sixty, as now provided by law, and thereafter on the second Mondays of August, December, and April.

Third—In the county of Santa Cruz, on the third Mondays of April, August, and December.

Fourth—In the county of Santa Clara, on the first Mondays of May, September, and January.

To take effect.

SEC. 2. This act shall take effect immediately upon its passage, and all laws contrary hereto are repealed; *provided*, that nothing herein contained shall affect any matters pending in said courts, but the same shall be heard at the terms herein fixed with the same force and effect as though no change were made as to the times of holding the same.

CHAP. CXLIX.—*An Act to amend an Act entitled "An Act concerning Roads and Highways in the Counties of Humboldt, Napa and Siskiyou," approved February twenty-second, one thousand eight hundred and sixty, and to extend the same to the County of Sonoma.*

[Approved March 24, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section sixteenth of said act is hereby amended so as to read as follows:

To take effect.

Sec. 16. This act shall be in force from and after its passage, and the provisions of this act shall apply to and be in force in the county of Sonoma.

CHAP. CL.—*An Act to Change the name of Charles Pearce to Charles Greenwich Howard.*

[Approved March 24, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the person hitherto named and called Charles Pearce, to change his name to that of Charles Greenwich Howard.

CHAP. CLI.—*An Act supplemental to an Act entitled "An Act to repeal the several Acts Incorporating the City of Benicia, and to provide for the Government thereof," approved April eighteenth, one thousand eight hundred and fifty-nine.*

[Approved March 24, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 17. Upon the sale of any property of the city of Benicia, under the provisions of this act, and the receipt of the

price thereof by the Sheriff, he shall give to the purchaser a certificate of sale, describing the lots sold, the amount paid for the same, and certifying that the price has been duly paid. Certificate.

SEC. 18. Upon presentation of said certificate to the Trustees, they shall prepare and execute a deed of conveyance to the purchaser or his assigns, at his or their expense, for the lots named in the certificate, which said deed shall be signed and acknowledged by said Trustees, and shall convey all the right, title, and interest, of the city of Benicia in and to the property therein described, and the said deed shall be received as conclusive proof of all the matters therein recited which are essential to the validity of such sale or conveyance. Deed of Conveyance.

SEC. 19. All acts and parts of acts conflicting with the provisions of this act are hereby repealed. Acts repealed.

CHAP. CLII.—*An Act concerning Roads and Highways in the Counties of Alameda and Santa Clara.*

[Approved March 24, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All roads in the counties of Alameda and Santa Clara shall be considered as public highways which are now used as such and have been declared such by order of the Court of Sessions or Board of Supervisors, or which may be declared such hereafter by order of the Board of Supervisors. What deemed Highways.

SEC. 2. The road districts shall be coincident with districts of the respective Supervisors, and each Supervisor shall act as Road Commissioner in his district.

SEC. 3. It shall be the duty of the Road Commissioners to have the general supervision of the roads and bridges in their respective districts, and they shall cause the moneys appropriated to each district to be expended upon the roads and bridges therein. They shall cause all highways in their respective districts to be kept in good repair, causing banks to be graded, bridges and causeways to be made when necessary, and they shall keep the same in good repair, and renew the same when destroyed, and shall cause all the highways within their respective districts to be kept clear from all obstructions. Duty of Commissioners.

SEC. 4. The Road Commissioners shall have power to make use of any gravel or dirt for improving the roads, which may be absolutely necessary, from any adjacent unimproved land, and to dig ditches on said land when it is necessary for the purpose of draining the roads; and the Board of Supervisors may allow such damages, if there be any, to the owners of said land as they may deem just; *provided*, that said Supervisors shall be liable to pay damages to the county, at the suit of any citizen, if it shall be proved that they have allowed extraordinary and extravagant damages. Same.

SEC. 5. The Board of Supervisors shall have power, and it

To levy road tax.

shall be their duty, to levy a road tax, not to exceed the sum of three dollars, each and every year, on all able-bodied men between the ages of twenty-one and fifty years, and they shall levy a property tax each year, which shall not exceed twenty cents on the one hundred dollars, for road purposes, to be levied and collected at the same time and in the same manner as other property taxes are collected; *provided*, that the provisions of this section, so far as it relates to the road tax, shall not apply to any of the incorporated cities or towns within the counties named in this act. Section fifth of this act is amended to read as follows, so far as it relates to Santa Clara County:

Sec. 5. The Board of Supervisors shall have power, and it shall be their duty, to levy a tax each and every year upon all able-bodied men between the ages of twenty-one and fifty years, not to exceed four dollars.

Property tax.

SEC. 6. The property tax so levied shall be collected by the Sheriff or Tax Collector of the county, in the same manner as in the collection of other taxes, and he shall pay the moneys over to the Treasurer of the county, as other taxes are required to be paid over, to the credit of the Road Fund, taking the Treasurer's receipt for the same.

Further duties of Supervisors.

SEC. 7. The Board of Supervisors shall apportion the moneys in the treasury belonging to the Road Fund, from time to time, among the several districts, as they may deem proper and just, for the purpose of building bridges or the making or repairing of roads. They shall also have power, if they deem it necessary for the protection of any public bridge or causeway, to place upon the same a legible sign forbidding all persons with teams or carriages from traveling over the same faster than a given rate, and they shall enter a notice of the same upon their record.

Duty of Assessor.

SEC. 8. For the purpose of ascertaining the names of the persons liable to road tax in the several districts, it shall be the duty of the County Assessor, when making his assessments for the current year, to place in a separate column of his assessment list, opposite the name of each person, the Supervisor's district in which he resides, from which list each Road Commissioner can ascertain the names of persons liable to road tax in his district; and if he shall find any person in his district who has not been assessed by the County Assessor, the said Commissioner is hereby authorized, and it shall be his duty, to assess them.

Road tax.

SEC. 9. The road tax for road purposes shall be collected by the Road Commissioners in their respective districts, and any person preferring to pay his road tax in labor may do so at the rate of two dollars per day, and the Road Commissioner may allow such amount per day for the use of teams and tools as he may think proper and just.

SEC. 10. Immediately after the assessment shall have been made on the road tax by the County Assessor or Road Commissioners, the persons assessed shall be liable to be called on by the Road Commissioners in their respective districts for the amount of their tax, either in money or labor, whenever they shall find it necessary to make or repair roads or bridges; and it shall be the duty of the Commissioners, when they desire to have labor upon the roads or bridges in their respective districts,

To give notice.

to give, in writing, three days' notice to each one or any num-

ber of persons under their jurisdiction, living convenient to the work to be performed, of the time and place to meet, and if, after such notice, any one shall fail to pay the amount of his road tax in money or to perform labor required, such failure shall operate as a judgment against the delinquent for the amount of his tax and the necessary costs of enforcing the judgment; and the Road Commissioners shall be authorized, at any time duing the ensuing twelve months, to levy upon and sell any personal property of such delinquent by giving one hour's notice, by proclamation, of the time and place of such sale; and the Commissioners shall be authorized to charge the same fees for their services in enforcing such judgment as the Sheriff of the county is authorized by law to charge for like services, and the surplus, if any, after deducting the amount of assessment and costs of sale, shall be returned to such delinquent. Delinquents.

SEC. 11. The Road Commissioner[s] shall be authorized to hire labor upon the roads whenever they may deem it necessary, and to pay for the same out of the Road Fund collected by them, at a rate not to exceed two dollars per day for such labor. To hire labor.

SEC. 12. The Road Commissioners shall, at every regular meeting of the Board of Supervisors, make a report of the state of the roads and bridges in their respective districts; amount of money received from County Road Fund; amount collected on road tax and amount paid out; and shall, at the close of their term of office, deliver over to their successors in office all moneys in their hands belonging to their respective road districts; also, a list of the names of all persons who are delinquent, and shall report in writing to the Board of Supervisors, setting forth the amount of road tax collected during their term of office, amount paid out, and amount paid over to their successors in office. Report.

SEC. 13. The Road Commissioners shall receive for their services a sum not to exceed one hundred dollars each in any one year, payable from the county treasury, under an order from the Board of Supervisors; and each Commissioner may, if he desires to do so, appoint a Deputy, who shall be responsible to the Commissioner appointing him, for the faithful performance of his duties, and shall be removed at his pleasure, and who shall be invested with the same powers and duties as are given to the Commissioner himself under this act; and it shall be the duty of the Commissioner to see that his Deputy performs his duty faithfully, and to pay him for his services such amount as may have been agreed upon between them out of the salary allowed him by this act. Compensation.

SEC. 14. Whenever any contract for improvement or alteration of roads, or the construction or repair of bridges, is to be made, advertisement thereof shall be given by the Commissioner in the district where the work is to be done, by posting written notices in two of the most public places in such district, and by advertising thereof in one newspaper in the county, or, if none be published in the county, by notice posted at the court-house door, ten days prior to the letting of the contract; and all contracts shall be awarded to the lowest responsible bidder, subject to the approval of the Board of Supervisors; *provided*, that the Road Commissioners, in their respective districts, shall have Contracts.

power to make contracts for the foregoing purposes not to exceed the sum of one hundred dollars.

Duty of applicants.

SEC. 15. Applications for the location, alteration, or discontinuance, of any public highway, shall be made, by petition, in writing, to the Board of Supervisors at their regular meetings, and shall plainly designate the beginning, general route, and termination, thereof, but no petition shall be considered, unless it be accompanied by an affidavit of one or more of the petitioners interested, stating that all the parties occupying, and all the parties owning, land along the line of the proposed road, have been duly notified, by a written notice served on them personally or left at their place of residence, of the time when such petition will be presented to the Board of Supervisors, and further stating that said notice had been served at least ten days before the meeting of said Board, at which said petition is to be presented; *provided*, that when the owners of any land over which it is proposed to locate a road are unknown, it shall be sufficient that the affidavit state that the parties occupying the same have been duly notified.

To hear objections.

SEC. 16. At the meeting designated in the notice referred to in the preceding section, the Board of Supervisors may proceed to hear all objections to the proposed road or alteration of roads, or they may, in their discretion, defer action upon the petition to such time as they may appoint. After having heard and considered the objections to the proposed road or alterations, the Board of Supervisors shall, if they deem the proposed road necessary, direct the County Surveyor to make an accurate survey thereof, and may, in their discretion, appoint two disinterested persons to act as Viewers with the said Surveyor. The Surveyor shall make an accurate survey of the proposed alteration or location of road, a correct plat and description of which, together with a report of character and quantity of land taken by the proposed road from the different owners or occupants on the route thereof, and shall be returned to the Board of Supervisors within a time specified on the order of location and survey.

Survey.

SEC. 17. Upon the return of the survey and report of the County Surveyor, the Board of Supervisors may immediately, or at such time as they may designate, proceed to estimate the amount of damages sustained by the parties affected by such location or alteration, having first examined such witnesses and considered such further evidence as may be proposed by parties claiming damages. After having ascertained the amount of damages, taking into consideration in making up said damages the advantages to be derived from such road passing through the land of the complainant, and tendering the full amount thereof to the parties to whom the same is due, the Board of Supervisors may then, or thereafter, declare the same a public highway, in accordance with the survey made by the County Surveyor, and order the same open immediately, or at such time as they may direct. If, in the opinion of the Board of Supervisors, a deviation from the route proposed in the petition for a road be expedient, they shall direct the County Surveyor to make such deviation, and said survey of said road as changed by order of said Board of Supervisors shall be returned to them within a given time specified in said order of change or alteration, and

Damages.

the said Board of Supervisors may, immediately upon the return of said survey, or at such time thereafter as they may deem proper, declare the route as surveyed in accordance with the petition, or the route as changed under their direction, to be a public highway; *provided*, that when any proposed deviation from the route set forth in the petition shall place the road upon lands occupied or owned by persons who have not been notified thereof, no action shall be taken by the said Board until at least ten days after the proper notification has been served upon such persons.

Width of roads.

SEC. 18. The breadth of a public road laid out as aforesaid, shall not exceed sixty-six feet, and the width of a private road shall not exceed twenty-five feet; *provided*, nothing in this act shall be construed so as to diminish the width of roads already established.

Private roads.

SEC. 19. Private roads may be established by the Board of Supervisors, in the manner herein set forth, for the establishment and location of public roads; *provided*, that all costs of survey, damages, and other expenses, attending the opening of said private roads, shall be paid by the party petitioning for the same.

May vacate roads.

SEC. 20. The Board of Supervisors shall have authority to vacate or change the whole, or any part of any public or private road, whenever the same shall have become useless, inconvenient or burdensome.

Persons obstructing.

SEC. 21. If any person shall obstruct any public road by felling any tree across the same, or by placing any other obstruction therein, or damming, digging, or deepening, a creek or river, or its banks, so as to destroy a ford or crossing, he shall be liable to prosecution before any Justice of the Peace, by any Road Commissioner of the county, on behalf of the county, and on conviction thereof, shall be fined in a sum not exceeding fifty dollars, and shall forfeit five dollars for every day he shall suffer said obstruction to remain after he shall have been ordered to remove the same by the Road Commissioner.

Penalty.

Same.

SEC. 22. If any person shall willfully destroy or injure, any bridge or causeway, or move or cause to be moved, any of the planks or timbers therefrom, or cut down or injure any tree planted or growing as a shade tree in any public road, or damage any highway by digging in it, he shall be liable to be prosecuted before any Justice of the Peace, as provided in section twenty-one of this act, and on conviction thereof shall be fined a sum not exceeding one hundred dollars.

Acts repealed.

SEC. 23. All acts and parts of acts conflicting with the provisions of this act, are hereby declared inapplicable to the counties of Alameda and Santa Clara; *provided*, there is nothing in this act which shall prevent the opening or laying out of roads which are already commenced.

CHAP. CLIII.—*An Act concerning the office of Assessor for Klamath County.*

[Approved March 24, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Election valid.

SECTION 1. The election of Thomas H. Rector to the office of Assessor of Klamath County, at the general election held September seventh, one thousand eight hundred and fifty-nine, is hereby declared valid, and he shall hold his office for the term of two years from the time of his election, or until his successor has become qualified.

SEC. 2. The election of Assessor of Klamath County shall hereafter take place as provided for the county officers in an act entitled "An Act concerning Officers in Klamath County," approved April nineteenth, one thousand eight hundred and fifty-six.

CHAP. CLIV.—*An Act making Appropriations for Deficiencies for the Eleventh Fiscal Year, ending the thirtieth day of June,* A. D. *one thousand eight hundred and sixty.*

[Approved March 24, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any money in the General Fund, not otherwise appropriated, for contingent expenses of the Senate; also, the sum of nine thousand dollars is hereby appropriated out of any money in the General Fund, not otherwise appropriated, for contingent expenses of the Assembly; *provided*, that if, after the adjournment of the present Legislature there remains any surplus from the above appropriation the same shall be returned to the General Fund.

How disbursed.

SEC. 2. The sums herein appropriated shall be disbursed under the direction of the body to which it may respectively belong, and shall not be subject to any of the provisions of an act entitled "An Act to create a Board of Examiners, to define their Powers and Duties, and to impose certain Duties upon the Controller and Treasurer," approved April twenty-first, one thousand eight hundred and fifty-eight.

To take effect.

SEC. 3. This act shall take effect from and after its passage.

CHAP. CLV.—*An Act to appropriate Money for the Payment of certain Claims.*

[Approved March 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following sums of money are hereby appropriated out of any moneys in the General Fund not otherwise appropriated, for the following objects, to wit: The sum of one hundred and forty dollars for the purpose of paying David Maddux, Assignee of Daniel Yoacham, for services rendered as Assistant Engrossing Clerk of the Assembly, tenth session. And the sum of eight hundred and four dollars and fifty cents, for the purpose of paying T. A. Talbert, Assignee, as follows, to wit: The sum of one hundred and ninety dollars, for services rendered by C. Gilman, as Chief Clerk of the Assembly, tenth session. The sum of five hundred and thirty dollars, for services rendered by Henry Goodman, as Printer's Clerk, tenth session; and the sum of eighty-four dollars, for services rendered by James Moore, as Sergeant-at-Arms of the Assembly, tenth session. And the sum of five hundred and seventy-seven dollars and forty-five cents for the purpose of paying I. & S. Wormser, Assignees, as follows, to wit: The sum of five hundred and fifty dollars and forty-five cents for services rendered by R. K. Weston, as Copying Clerk of the Assembly, tenth session; and the sum of twenty-seven dollars, for services rendered by J. N. Bingay, as Assistant Clerk of the Assembly, tenth session. Amounts appropriated.

CHAP. CLVI.—*An Act to amend an Act entitled "An Act concerning Crimes and Punishments," passed April sixteenth, one thousand eight hundred and fifty.*

[Approved March 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section ninety-two of "An Act concerning Crimes and Punishments," passed April sixteenth, one thousand eight hundred and fifty, is hereby amended so as to read as follows:

Sec. 92. If any person shall, knowingly and willfully, obstruct, resist, or oppose, any Sheriff, Deputy Sheriff, Coroner, Constable, Marshal, Policeman, or other officer of this State, or other person duly authorized, in serving or attempting to serve any law process or order of any court, Judge, or Justice of the Peace, or any other legal process whatever, or in making or attempting to make any arrests, or shall assault or beat any such officer or person duly authorized, in serving or executing, or attempting to serve or execute any order or process, or to make Persons resisting, etc

Penalty.

any such arrests aforesaid, or for having served or executed, or attempted to serve and execute the same, or for having made or attempted to make such arrest, every person so offending shall be fined in any sum not exceeding five thousand dollars, and imprisoned in the county jail for a term not exceeding five years; *provided*, any officer or person whatsoever, who may or shall assault or beat any individual, under color of his commission or authority, without lawful necessity so to do, shall, on conviction, suffer the same punishment.

CHAP. CLVII.—*An Act to Legalize an Order of the Board of Supervisors of the County of Santa Cruz, and all the Proceedings had thereunder and dependent thereon.*

[Approved March 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Order legalized.

SECTION 1. An order made by the Board of Supervisors of the county of Santa Cruz, and entered in the minutes thereof, on the eighth day of October, A. D. one thousand eight hundred and fifty-two, in the following words, to wit: "It is ordered by the Board that the Treasurer receive five per cent. for the collection of the county taxes and licenses," be and the same is hereby construed to mean that the Treasurer shall receive five per cent. for receiving the county revenues, and that said order be and the same is hereby adopted, and the same and all proceedings had in pursuance and under the authority thereof, and dependent thereon, are hereby legalized and confirmed, and that the said order shall continue in force until rescinded by said Supervisors.

To take effect.

SEC. 2. This act shall take effect from and after its passage.

CHAP. CLVIII.—*An Act to declare Navigable the Arroyo de San Antonio or Keyes' Creek, Marin County.*

[Approved March 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. So much of the stream known as the Arroyo de San Antonio or Keyes' Creek, in Marin County, as lies between its mouth in Tomales Bay and the warehouses upon the point at Keyes' Embarcadero, is hereby declared navigable.

CHAP. CLIX.—*An Act authorizing and empowering Hiram Eckert, of Butte County, Guardian of Frank Spencer Eckert, to Convey, by good and sufficient Deed or Deeds, certain Lands in said County.*

[Approved March 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Hiram Eckert, of Butte County, Guardian of Frank Spencer Eckert, is hereby authorized and empowered to convey by good and sufficient deed or deeds, the following described lands, situate and lying in said county of Butte, to wit: The southeast quarter of the southeast quarter of section number one, and the northeast quarter of the northeast quarter of section number twelve, in township number nineteen, north of range number two east, Mount Diablo base and meridian, containing eighty acres. To convey deed.

SEC. 2. When said Hiram Eckert shall have made a sale or sales, and a deed or deeds of said lands, he shall immediately report the same to the Probate Court or Probate Judge, of said county of Butte, who shall, by an order entered on the journal of the proceedings of said court, approve or disapprove such sale or sales and deed or deeds of said lands so made. Such sale or sales and deed or deeds, of said lands, shall be made by said Hiram Eckert, with or without an order of the Probate Court of said county of Butte, as the Judge of said court shall direct in his discretion. To make report.

SEC. 3. This act shall be in force from and after its passage. To take effect.

CHAP. CLX.—*An Act to appropriate money to pay R. A. Thompson and Ferris Forman for Services and Expenses incurred as Commissioners from the State of California to the President of the United States, in the year one thousand eight hundred and fifty-six.*

[Approved March 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of four thousand dollars is hereby appropriated from any moneys in the treasury not otherwise appropriated, to be paid to R. Augustus Thompson and Ferris Forman, for services rendered and expenses incurred as Commissioners from the State of California to the President of the United States, during the year one thousand eight hundred and fifty-six, in the following manner, to wit: two thousand dollars to said Thompson and two thousand dollars to said Forman. Appropriation.

CHAP. CLXI.—*An Act to provide for the Construction of the State Capitol in the City of Sacramento.*

[Approved March 29, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Duty of Commissioners.

SECTION 1. The Governor, Secretary of State, Treasurer of State, A. C. Monson, and Alfred Reddington, are hereby appointed and created a Board of Commissioners, whose duty it shall be to contract for and superintend, as provided in this act, the work necessary to erect a State capitol upon the following site and tract of land, situated in the city of Sacramento, in the county of Sacramento, and State of California, to wit: Commencing at the northwest corner of lot number one, in the block bounded by Tenth and eleventh, L and M streets, in said city of Sacramento; thence east along the south line of L Street to the intersection of L and Twelfth streets; thence south along the west line of Twelfth Street to the intersection of Twelfth and N streets; thence west along the north line of N Street to the intersection of N and Tenth streets; thence north along the east line of Tenth Street to the place of beginning. And the said Commissioners shall take possession of said land upon first complying with the provisions of section two of this act.

Further duties.

SEC. 2. Before taking possession of the land, in this act mentioned, said Commissioners, by petition, signed by the Attorney-General, describing, with convenient certainty and accuracy, by map or otherwise, said ground so required for the use of the capitol building, setting forth the name and residence of each owner or person interested therein, in any manner whatever, or who shall claim any interest therein, present or future, so far as the same are known to the Attorney-General, or shall appear by record and in the Recorder's office in Sacramento County, shall apply to the Judge of the District Court in and for the county of Sacramento, either in term time or vacation, praying the appointment of Commissioners to ascertain the compensation to be made to the person or persons lawfully entitled to the same for the land therein described. The Judge shall thereupon make an order requiring all persons interested in the land, described in said petition, to appear before him, at a time and place to be mentioned in said order, for the hearing of said petition, which order shall be published for thirty days in two newspapers published in the city of Sacramento.

In case Commissioners do not agree.

At the time and place appointed for the hearing of said petition—if the said Commissioners and such interested parties as may appear do not agree upon at least two Commissioners (who, in that event, are authorized to appoint a third)—then the said Judge shall, by an order entered in his minutes, appoint three competent disinterested persons Commissioners to ascertain such compensation as aforesaid. Said Judge shall, by an order in his minutes, specify a time and place for the meeting of the Commissioners. The said Commissioners, before entering upon the duties of their office, shall be sworn faithfully to perform the duties imposed upon them, and any one of them may administer oaths to witnesses produced

before them, and any one of them may issue subpenas, and they shall have the same power to punish contempts as a court or Judge, and they shall adjourn from day to day to enable the parties to procure testimony, but for no longer period than one day, without the consent of both parties or their Attorneys, unless otherwise ordered by said Judge, for good cause shown. The said Commissioners, having heard the allegations and proofs of the parties, shall, by a majority vote, without favor or partiality, ascertain and certify the compensation proper to be made to the owner or owners, or parties interested in said land, which said ascertainment and certificate shall be signed by the Commissioners finding the same, and by them immediately thereafter filed in the office of the Clerk of said District Court. Either party, by motion, showing good cause therefor, may cause the proceeding[s] of said Commissioners to be inquired into by said District Judge; and, if the same are regular, and the proceedings appear to have been done in good faith, he shall, by order, confirm their finding and conclusion—otherwise, he shall make such order as may be just and proper in reference to a retrial of the same or any part of said proceedings—but no more than two retrials shall in any event be had. Should no motion be made within twenty days after the finding of the Commissioners shall have been filed in the Clerk's office, or no notice or [of] such motion be given by either party within ten days after such filing, then their finding shall stand as the true ascertainment of valuation; and, whenever said valuation shall be finally fixed as aforesaid, then said Commissioners may, upon paying into said court the amount so fixed, become possessed of all of said land, and they shall cause correct copies, under the seal of the Clerk of said court, of the petition and other pleadings, if any, together with the finding and certificate of said Commissioners; and all orders of the said Judge, made in said proceedings, and the minutes of said court, upon the receipt of said moneys, to be filed in the office of the Secretary of State, and thereafter the State of California shall be the owner of said land in fee-simple; *provided*, the city of Sacramento, through her officers, are hereby authorized and required to vacate the streets and alleys running through said tract of land; and, *provided* further, that said Commissioners may receive deeds of voluntary conveyances for any portion of said land that may be agreed upon between them and the proper owners thereof. Same.

SEC. 3. The Commissioners are hereby authorized to adopt such plan for the erection of the State capitol, herein provided for, as in their judgment is best calculated to serve the purposes of the State; and they shall, as soon as possible, after the passage of this act, receive, for the period of four weeks, such plans as may be presented to them for their consideration. They are hereby authorized to pay for the plan they shall adopt, such reasonable compensation as they shall, in their discretion, see fit to allow, not to exceed fifteen hundred dollars; *provided*, that if the plan heretofore presented by Reuben Clark, and adopted, shall be chosen, no compensation shall be allowed for the same. To receive plans.

SEC. 4. Said Commissioners are hereby authorized and empowered to appoint an Architect, who shall not be one of the Commissioners, whose salary shall not exceed three hundred Architect.

dollars per month, and whose duty it shall be, under the direction and control of said Commissioners, to judge of the quality and durability of materials that may be furnished for the erection of said capitol, and to take special care that all work be done in a neat, substantial, and workmanlike, manner, and in accordance with the specifications made. Said Architect may be removed by the Commissioners, and his successor appointed by them, with the duties and liabilities of his predecessor in office. He shall be required to take an oath that he will faithfully perform the duties of his office, and that he will not be interested, either directly, or indirectly, in the furnishing of materials, or in any contract for work or labor on said capitol during his period of office.

To advertise for proposals

SEC. 5. Said Commissioners shall, as soon as convenient, after the passage of this act, advertise in four newspapers of general circulation of this State, for a period of thirty days, which advertisement shall contain a description of the work to be done, together with a proposition for bids for the contract to perform said work in accordance with the plans and specifications thus proposed, and also information as to where the plans, drawings, and specifications, may be seen.

SEC. 6. Bids may be received by the Commissioners for the entire completion of all the stone and brick work, and inclosing the same, to be finished at such time as the Commissioners may designate. The contract shall be given to the person or persons who shall make the lowest bid, and who shall give sufficient security for the performance thereof; or the Commissioners may reject all bids, and advertise for further proposals; *provided*, that no contract shall be made which shall exceed the sum of one hundred thousand dollars; and, if it shall at any time be found that the successful bidder or bidders, shall have colluded or joined together, in presenting any bid or bids, with any other party or parties whomsoever, for the purpose of preventing other bids from being made, then any contract that shall have been made with any such colluding party or parties, is hereby declared null and void, and the Commissioners are hereby authorized and required to make a new contract for the performance of the work.

Bids to be sealed.

SEC. 7. All bids as aforesaid shall be sealed up and delivered to the Commissioners, and shall be opened by them in the Assembly Chamber of the present capitol, on such day and at such hour, as said Commissioners shall designate in the advertisement for proposals. No person or firm, shall be allowed to deposit more than one bid; if more than one appear, on the opening of said bids by the Board of Commissioners, all bids of such person or firm shall be set aside without consideration; *provided*, that no bid shall be considered unless accompanied by a good and sufficient bond, in such amount and with such covenants, as shall be prescribed by the Commissioners in their advertisement for proposals; and, *provided* further, that no extra compensation shall be made to any person or persons, Contractor or Contractors, for any claim for extra work, unless the same and the price thereof, shall have been previously agreed upon in writing, and fixed.

Contracts.

SEC. 8. All contracts made under the provisions of this act

shall be carefully drawn, under the supervision of the Attorney-General of the State, and shall contain detailed specifications of the work to be done, the manner in which the same shall be executed, the quality of the material to be used, and the time within which the same shall be completed, with such penalties for the nonperformance of such contract as the said Commissioners shall deem just and reasonable.

Contracts to be filed.

SEC. 9. Every contract entered into by the said Commissioners, under the provisions of this act, together with the plans and specifications of the work to be done, shall be filed and carefully preserved in the office of the Secretary of State.

Payments.

SEC. 10. The Commissioners may make payments to the Contractors, from time to time, as the work shall progress; *provided*, that until the contract is completed, at no time shall such payment exceed seventy-five per cent. of the value of the labor performed or materials furnished, which said value shall be ascertained and determined by the Architect, subject to the approval of the Commissioners.

Commissioners not to be interested.

SEC. 11. The Commissioners appointed by and under this act, shall not nor shall either of them be interested, either directly or indirectly, in any contract for work, or labor, or materials furnished, in the construction of said capitol. Before entering upon the duties of their office, they shall make and subscribe, before an officer authorized by law to administer oaths, a declaration under oath, that they will not during their continuance in such office, be so interested, which declaration shall be filed in the office of the Secretary of State. A violation of said declaration, as also a violation of the oath taken by the Architect, shall subject the party so violating to a prosecution for perjury; Penalty. and upon conviction thereof, he or they shall be punished accordingly, and shall be also liable on his official bond as such Commissioner, in the sum of ten thousand dollars for each offense, to be prosecuted as other official bonds of State officers. Each of said Commissioners shall receive the sum of one thousand dollars per annum, in full compensation for his services as such Commissioner, and shall give bonds separately, in the penal sum of twenty-five thousand dollars, with sufficient sureties, to be approved by the County Judge of the county of Sacramento, and said bonds shall be filed in the office of the Controller of State.

Amount appropriated.

SEC. 12. The sum of one hundred thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, to carry this act into effect; but the entire cost of said capitol shall not exceed five hundred thousand dollars; and all payments provided for shall be made as follows: Said Board of Commissioners shall, from time to time, as the services herein provided for are performed and labor done, draw orders on the Controller of State, specifically describing the services rendered or labor performed, together with the amount, and to whom payable. A correct registry of said orders shall be kept by said Board, in a book for such purpose, whereupon the Controller of State shall draw his warrant on the State Treasurer for such amount, specifying the services rendered, and in whose favor said warrant is drawn; all of which said Controller shall keep a

correct registry of, in a separate book to be used for such purpose.

Certain conditions to be complied with.

SEC. 13. After the amount necessary for the payment of said land shall have been ascertained, no further proceedings shall be had under this act, until the city of Sacramento, or some person in her behalf, shall have paid into the State treasury such sum or sums as the person or persons owning the lands described in section one herein, shall be entitled to receive for the same under the provisions of this act.

SEC. 14. This act shall be in force from and after its passage.

CHAP. CLXII.—*An Act concerning Assessments in San Joaquin County.*

[Approved March 29, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Credit.

SECTION 1. The Controller of State is hereby authorized and required to place to the credit of San Joaquin County, the sum which shall be found to be due to said county for the State's portion of the expense of assessment of taxes from the year one thousand eight hundred and fifty-three to the year one thousand eight hundred and fifty-seven, inclusive, as shown by the reports of the county officers of said county, and the said Controller is hereby authorized and required to deduct the same upon the first settlement with the Treasurer of San Joaquin County.

To take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAP. CLXIII.—*An Act to provide for the Payment of Volume Twelve of the Reports of the Supreme Court of the State of California.*

[Approved March 29, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Amount appropriated

SECTION 1. The sum of two thousand dollars is hereby appropriated from the General Fund, out of moneys in that fund in the State treasury not otherwise appropriated, to be applied to the payment of three hundred copies of volume twelve of the reports of the Supreme Court of this State.

SEC. 2. Upon delivery to the Secretary of State of three hundred copies of volume twelve of said reports, containing in part the reports of the opinions of said court, rendered during the year one thousand eight hundred and fifty-nine, bound in law style, the Controller of State is hereby authorized and required

To draw warrant.

to draw his warrant upon the Treasurer of State, in favor of

Harvey Lee, Reporter of the Supreme Court, for the sum of two thousand dollars; *provided*, that no warrant shall issue for the sum herein appropriated until there is money in the treasury to pay the same.

CHAP. CLXIV.—*An Act Amendatory of, and Supplemental to, an Act entitled "An Act to authorize the County of Butte to purchase and hold Two Hundred Thousand Dollars of the First Mortgage Bonds of the California Northern Railroad Company, and to issue the Bonds of said County for the Payment of the same, and for other Purposes connected therewith."*

[Approved March 29, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section second of said act is hereby amended so as to read as follows:

Sec. 2. If, at said election, a majority of the electors of the said county of Butte, voting at said election, shall vote "Yes" upon said proposition, the result shall be officially declared by the Board of Supervisors; and thereupon it shall be the duty of said Board to cause to be prepared bonds of the county of Butte, to the amount of two hundred thousand dollars. Each bond shall bear date from the time of its issue, as hereinafter provided for, and shall call for the payment of one thousand dollars in twenty years after the date thereof, with interest at the rate of ten per cent. per annum, payable semi-annually on the first days of January and July of each year. Said bonds shall be executed by being signed by the Chairman of the Board of Supervisors, the County Treasurer, and Auditor, of said county of Butte, and shall pledge the faith of said county for the payment of the same. Interest warrants or coupons shall be attached to said bonds, and shall be signed by the County Treasurer; and the said bonds, with the interest warrants or coupons, shall be payable at the office of the County Treasurer of the county of Butte.

Duty of Supervisors

SEC. 2. Section third of said act is amended so as to read as follows:

Sec. 3. The first mortgage bonds of the railroad company shall not exceed in amount the sum of eight hundred and fifty thousand dollars. They shall bear the same date, and their binding force and effect shall be from the date of said bonds; they shall be made payable twenty years from their date; they shall draw the same rate of interest, which said interest shall be due and payable semi-annually on the first days in July and January in each year, at the rate of ten per cent. per annum, and shall be secured by a mortgage upon the road of said company; its property, real and personal; its franchises; right of way; and also upon the earnings of said road, after paying the necessary current expenses thereof; and all indebtedness or liability, lien or incumbrance of every character, suffered or created by contract, judgment, or otherwise, by said company, subsequent to the date

Amount limited.

of said first mortgage bonds of eight hundred and fifty thousand dollars, or that shall exceed that amount, shall be deemed subject and subsequent to said first mortgage bonds; and said first mortgage, by operation of law, shall become and be a lien upon all securities, rights, franchises, and property, of every description, acquired by said company after the date of said bonds. The company issuing said first mortgage bonds is hereby authorized and empowered to issue two hundred thousand dollars of said first mortgage bonds to the county of Butte, which said bonds and interest thereon shall be made payable at the office of the County Treasurer of Butte County, and the interest on said bonds shall be remitted by said county for the first two years from the date of the same; and the Board of Supervisors of said county are hereby authorized and empowered to issue the bonds of said county to said company, in the aggregate amounting to two hundred thousand dollars, as herein provided. Whenever an estimate of expenditure shall be presented to said Board, at any regular session, by said company, and it shall appear to their satisfaction that an amount not less than six hundred thousand dollars of expenditures has been made (exclusive of any cost of right of way and of salary of officers), either in the construction of, or obtaining materials for, said road, and it shall likewise appear to their satisfaction that the amount of the first mortgage bonds do not exceed eight hundred and fifty thousand dollars, and that there are not other liens or incumbrances or right of lien thereon, existing prior to the date of said first mortgage bonds, it shall, in that event, and not otherwise, be the duty of said Board of Supervisors to issue and cause to be executed the bonds of said county for one-third of the estimate so made; and, when said company shall deliver to said Board an equal amount of its said first mortgage bonds, to deliver said county bonds at their par value to said company, and continuously thereafter, upon estimates so made, in the ratio of one to three, until the whole two hundred thousand dollars shall have been issued and expended. Any tax-payer of the county of Butte shall have the right to appear before said Board and show cause, if any, why the estimate should not be allowed or the county bonds issued; and, if he or they are dissatisfied with the decision of said Board, he or they may, by an original proceeding in the District Court of said county, have the action of said Board reviewed on *certiorari*; such proceedings shall be commenced within ten days after the decision of said Board shall have been entered, and the bonds for such estimate shall not be executed until the proceedings in the District Court shall have been finally disposed of.

Any tax payer may appear and show cause, etc.

SEC. 3. This section shall be known as section eight of said act. It shall not be lawful for the company with whom the county of Butte contracts as aforesaid to pay out any part of said county bonds or the said first mortgage bonds to any person or persons on any debt or liability now due or existing against said company, or that may hereafter be created for salaries of officers of said company.

SEC. 4. This section shall be known as section nine of said act. If the election to be held in pursuance of the act to which this is amendatory and supplementary shall authorize the issuance of said bonds of said county, the Board of Supervisors of

said county in that event are authorized and empowered to issue the bonds of said county in accordance with the provisions of said act to the California Northern Railroad Company, or any other company that may be incorporated to construct a railroad connecting the same points as provided in said act.

SEC. 5. This section shall be known as section ten of said act. The principal office of said railroad company shall be and remain at Oroville, in the said county of Butte. Principal office.

SEC. 6. This section shall be known as section eleven of said act. It shall be the duty of the Board of Supervisors to require of any railroad company to which the said county bonds shall issue for the purposes mentioned in this act a good and sufficient bond in the penal sum of one hundred thousand dollars, to be approved by the said Board, that the said railroad shall be constructed and completed within thirty months after the passage of this act, and the issuance of said county bonds in accordance with the provisions of this act is conditioned upon the due execution of said bond. Bond required.

SEC. 7. This section shall be known as section twelve in said act. This act shall take effect and be in force from and after its passage. To take effect.

CHAP. CLXV.—*An Act to Incorporate the Town of Auburn.*

[Approved March 29, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The inhabitants of the town of Auburn, county of Placer, are hereby constituted a body corporate and politic, under the name and style of "The Town of Auburn," and by that name and style they and their successors shall be known in law, and have perpetual succession, and be invested with all the rights and privileges conferred by and be subject to all liabilities, restrictions, and provisions, of an act entitled "An Act to provide for the Incorporation of Towns," approved April nineteenth, one thousand eight hundred and fifty-six, so far as the provisions of said act may be consistent with the provisions of this act. Name and style.

SEC. 2. The area of said town shall be one and one-fourth miles square, having the court-house for a center. Area.

SEC. 3. The Board of Trustees of said town shall not have the power to contract any debt unless the ordinance providing for the same shall first be submitted to, and adopted by, a majority of the legal voters of the town voting for the same, nor shall any expense be incurred except as above provided, unless there is money in the treasury to pay the same. No power to contract debts, etc.

SEC. 4. The compensation of the Board of Trustees shall be one dollar per annum each. The Clerk shall receive fifty dollars per annum. The Assessor shall receive fifty dollars per annum. The Treasurer shall receive five dollars per annum. Compensation.

SEC. 5. In addition to the Board of Trustees, the officers of

the town shall consist of a Clerk, Treasurer, and Assessor, and no other; and the Trustees shall appoint all of said officers.

Powers of Board.

SEC. 6. The Board of Trustees shall have power to pass such ordinances as they may deem necessary to prevent and remove nuisances; to license theaters, menageries, shows, and all exhibitions where money is charged for admission; to prevent and punish breaches of the peace and disorderly conduct; and to alter, keep open, grade, and repair, and lay out streets, alleys, and sidewalks, for the town, and to collect annually a tax on all the property in the town, not exceeding one-fourth of one per cent. on the assessed value thereof, and to pass all ordinances necessary for the protection of the town against fire.

Conditions.

SEC. 7. No street shall be laid out, altered, opened, or repaired, except upon a petition signed by the owners of two-thirds in value of the property affected thereby; and then, to pay the expense attendant on the same, the Board of Trustees shall levy a tax on all the property affected thereby, according to its assessed value, which tax shall be levied and collected as other taxes are under this act.

Commissioners.

SEC. 8. John R. Gwynn, John Russell, and Henry Hubbard, are hereby appointed Commissioners, who, within ten days after the passage of this act, shall give notice, that within one week from the date of said notice, an election will be held at the time and place designated in the notice, at which election the qualified electors of said town of Auburn, will be called upon to vote on the question of the incorporation of said town. Said Commissioners shall cause ballots to be prepared, on which shall be written or printed, "Corporation—Yes," or "Corporation—No," and said Commissioners shall constitute the Judges and Inspectors of said election, and shall hold the same, and declare the result. If at such election a majority of the ballots shall have written or printed on them the words "Corporation—Yes," then this act shall take effect, and said Commissioners shall declare said town incorporated, and shall hold an election for the officers provided under this act, on the fifteenth day of April, one thousand eight hundred and sixty; but if a majority of such ballots shall have written or printed thereon the words, "Corporation—No," then said Commissioners shall declare this act rejected, and the same shall not go into effect.

Annual election.

SEC. 9. The annual election for officers in said town, shall take place on the first Monday in April, of one thousand eight hundred and sixty-one, and on the first Monday of April in each year thereafter; and the officers elected, shall hold their offices one year, and until their successors are duly elected and qualified.

To take effect.

SEC. 10. This act shall take effect and be in force from and after its passage.

CHAP. CLXVI.—*An Act to authorize R. P. Andrews, the Administratrix of the Estate of John Andrews, deceased, to sell the Real and Personal Estate of said deceased at private sale.*

[Approved March 29, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. That R. P. Andrews, the Administratrix of the estate of John Andrews, late of Calaveras County, is hereby authorized to sell the real estate or any portion thereof, of which the said John Andrews died seized and possessed; or any right, title, or interest, of the said John Andrews, deceased, in and to any gold mines, or mining claims, flumes, ditches, aqueducts, and every thing appertaining thereto, as may be sufficient to pay allowances to the family of the deceased, and to pay the debts of the said estate and the expenses of administration, on such terms and in such manner, either at public or private sale, as may in her opinion be most advantageous to said estate. Authorized to sell.

SEC. 2. That in case of any sales under the authority of this act, the said Administratrix, as above provided, may execute to the vendee or vendees of the real estate so sold, all necessary and sufficient conveyances therefor. Legal conveyance.

SEC. 3. The said Administratrix shall make a full report of the sale or sales of said real estate, to the Probate Court of Calaveras County, within a reasonable time thereafter, who shall confirm or reject said sale or sales, as in other cases of sales of real estate by Executors or Administrators; and the Administratrix shall make no conveyance of real estate sold under this act, nor shall any sale become definitely valid unless the sale be first confirmed and approved by the said Probate Judge. To make report.

CHAP. CLXVII.—*An Act relating to the Sureties upon the Official Bonds of S. A. McMeans, late State Treasurer.*

[Approved March 30, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sureties upon the official bonds of S. A. McMeans, late State Treasurer, are hereby released and discharged from all demands on the part of the State of California, or on account of said bonds; and the Attorney-General is hereby directed to cause to be discontinued all suits now pending on the part of the State against said sureties or any of them. Sureties released.

SEC. 2. This act shall take effect from and after its passage.

CHAP. CLXVIII.—*An Act to amend an Act entitled "An Act to authorize Charles S. Collins, his Associates, and Assigns, to build a Wharf at or near Point Colberg, in Solano County," passed April twenty-first, one thousand eight hundred and fifty-seven.*

[Approved April 3, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Time extended.

SECTION 1. The time for erecting the wharf mentioned in an act entitled "An Act to authorize Charles S. Collins, his Associates and Assigns, to build a Wharf at or near Point Colberg, in Solano County," passed April twenty-first, one thousand eight hundred and fifty-seven, is hereby extended two years from the passage of this act.

CHAP. CLXIX.—*An Act authorizing certain Parties to construct a Wharf on Petaluma Creek, in Sonoma County.*

[Approved April 3, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Act granted to construct.

SECTION 1. It shall be lawful for A. P. Overton and those whom he may associate with him and their assigns, to construct a wharf on the southwesterly side of Petaluma Creek, in the county of Sonoma, at a point immediately above a place commonly known as the Italian Garden, and charge and collect such rates of wharfage as may be prescribed by the Board of Supervisors of Sonoma County for the term of ten years from and after the passage of this act; *provided*, the total length of said wharf shall not exceed three hundred yards, and shall not at any time obstruct the navigation of said creek.

When to complete.

SEC. 2. Said A. P. Overton, and those whom he may associate with him and their assigns, shall, within one year from the passage of this act, construct said wharf in a good and substantial manner, and keep the same in good repair.

CHAP. CLXX.—*An Act to Appropriate Money for the Relief of Justus Hovey, Assignee of Thomas R. Eldridge.*

[Approved April 3, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Amount appropriated.

SECTION 1. The sum of six hundred and twenty-three dollars and seventy cents is hereby appropriated out of any moneys in

the General Fund not otherwise appropriated, to pay Justus Hovey, Assignee of Thomas R. Eldridge, for the translation of the laws of California, passed in one thousand eight hundred and fifty-six, into the Spanish language.

CHAP. CLXXI.—*An Act to fix the Compensation of the Auditor of Napa County.*

[Approved April 3, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The County Auditor of Napa County shall be allowed for making duplicate assessment roll, and calculating the State and county tax thereon, thirty cents per folio; for filing Treasurer's receipt and issuing license, to be paid by the party, fifty cents. He shall also be allowed thirty dollars per month in addition to the above mentioned fees, for services rendered the county, the same to be allowed and paid quarterly out of the County Fund as other accounts against the county are allowed and paid. Fees.

SEC. 2. All acts and parts of acts inconsistent or conflicting with the provisions of this act, are hereby repealed.

SEC. 3. This act to take effect and be in force from and after the first day of May, one thousand eight hundred and sixty. To take effect.

CHAP. CLXXII.—*An Act to provide for the Collection of Delinquent Taxes in the City and County of Sacramento.*

[Approved April 3, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The assessments of taxes upon all property, both real and personal, in the city and county of Sacramento, whether for State, county, city, or other purposes, for the fiscal year ending on the first day of March, one thousand eight hundred and fifty-nine, and for the fiscal year ending on the first day of March, one thousand eight hundred and sixty, are hereby legalized and confirmed, and rendered valid and binding, both in law and equity, against the persons and property assessed. What legalized.

SEC. 2. The District Attorney of the city and county of Sacramento is hereby authorized and directed to commence civil actions, in the name of The People of the State of Clifornia, in any of the courts in said county, whether the defendant be a resident of the township or city in which the court is located or not, to recover the unpaid taxes in said city and county for the Duty of District Attorney.

fiscal years mentioned in the last section; and he shall designate in his complaint the amount of taxes due and unpaid for State, city, county, and other purposes, separately, and shall state the kind and quantity of property assessed, both real and personal, and if real, describe the same; and the defendant shall not be allowed to set up or show any informality in the levy or assessment, as a defense; such defendant being allowed only to plead:

First—That the taxes had been paid before suit; or,

Second—That he had not the property mentioned in the complaint at the time of the assessment, and has never been liable to pay said taxes; and no answer shall be filed in any such case unless the same be verified by oath.

Certified lists evidence.

SEC. 3. The delinquent tax lists for said fiscal years, duly certified by the proper officers, shall be delivered to the District Attorney, and the said delinquent lists, or the original or duplicate assessment rolls, or a copy of any entry therein, duly certified, showing unpaid taxes against any person or property, shall be evidence in any court to prove the delinquency, property assessed, the amount of taxes due and unpaid, and that all the forms of law in relation to the levy and assessment of such taxes have been complied with; and neither the delinquent tax lists nor the assessment rolls need be filed in any case.

Liens.

SEC. 4. Judgments rendered in such cases in the District Court shall be docketed and become liens upon all property of the defendants liable to taxation, and may be enforced against the same; and the District Attorney may file transcripts of judgments rendered in Justices' Courts, under this act, with the County Clerk, who shall thereupon docket such judgments, and they shall become liens from and after such docket entry, in like manner as judgments rendered in the District Court under this act; and the County Clerk may issue execution on such docketed Justices' judgments as on judgments rendered in the District Court.

Certain act applicable.

SEC. 5. "An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State," so far as the same is not consistent with the provisions of this act, is hereby made applicable to proceedings under this act; and any deed derived from a sale of real property under this act shall be conclusive evidence of title, except as against actual frauds, or pre-payment of the taxes, and shall entitle the holder thereof to a writ of assistance from the District Court to obtain possession of such property; *provided*, that the Sheriff in selling said property shall only sell the smallest quantity that any purchaser will take, and pay the judgment and all costs; and, *provided* further, that when property sold belongs to minors, or persons under legal disability, they shall have until six months after said disability is removed to redeem said property, by paying the whole bid, all subsequent taxes, and interest. All moneys collected under this act, except costs and charges, shall without delay be paid to the Treasurer of the said city and county, to be distributed in the proper funds; and each collection and the date thereof, shall be entered opposite the proper name or property in the delinquent tax lists, which shall be open to public inspection.

SEC. 6. If the name of the owner of any property upon which

the taxes remain unpaid be unknown, or if the same has been assessed to an unknown owner, the person liable to pay the taxes thereon, may be sued by a ficticious name, and the summons be served in such manner as the court may direct; and a deed derived from the sale of such property, under the provisions of this act, shall be equally conclusive against the true owner of such property as if the action had been prosecuted against said owner by his real name. Unknown owners.

SEC. 7. For services under this act, the District Attorney shall be entitled to a compensation equivalent to fifteen per cent. on the amount recovered, to be added thereto, if paid before judgment; and if not so paid, then twenty-five per cent. to be added to, and to constitute a part of, the judgment; and all officers shall perform such services as may be required of them under this act without the payment of fees in advance; but they may charge and receive to their own use such fees as are allowed for similar services in other cases; *provided*, such fees are collected of the defendants, and in no case shall the city and county be liable for services rendered under this act; and, *provided* further, that the District Attorney shall not commence the suit authorized by this act, against a person after being served with a duplicate receipt of the County Treasurer for the total amount of taxes and charges due from such person, or upon a piece of property, and ten per cent. additional thereto; and if any person shall fail to serve said receipt, he shall pay all costs that may result from his negligence. Compensation.

SEC. 8. All taxes and assessments levied for street grading or street improvements within the city of Sacramento, and remaining unpaid, or which remain unpaid for thirty days after the same shall become wholly due, shall be deemed and held to be subject to the provisions of this act, and their payment may be enforced in like manner as the payment of other delinquent taxes under this act. Delinquent taxes.

SEC. 9. This act shall take effect and be in force from and after its passage. To take effect.

CHAP. CLXXIII.—*An Act amendatory of, and supplementary to, an Act entitled "An Act concerning Lawful Fences."*

[Approved April 3, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of said act is hereby amended so as to read as follows:

Sec. 5. When a fence has been erected by any person on the line of his land, and the person owning the land adjoining thereto shall make or cause to be made, an inclosure on the opposite side of such fence, so that such fence may answer the purpose of inclosing his ground also, such person shall pay the owner of such fence already erected, one-half the value of so much thereof as serves as a partition fence between them; *pro-* Partition fences.

vided, if the party so inclosing shall neglect or refuse to pay for the one-half of such fence, the land so inclosed shall become liable therefor, and the value of the one-half of such fence shall become and remain a lien upon such land, and shall draw interest at the rate of fifteen per cent per annum until paid. Notice of such lien shall be filed in the office of the County Recorder of the county, as provided by law for mechanics' liens. The value of the fence at the time such inclosure was made, shall be the amount, with interest thereon, to which the builder of the fence shall be entitled.

SEC. 2. Section six of said act is amended so as to read as follows:

Same. Sec. 6. When two or more persons own land adjoining which is inclosed by one fence, and it becomes necessary for the protection of the rights and interests of one party, that a partition fence should be made between them, the other or others, when notified of such fact, shall proceed to erect or cause to be erected, one-half of such partition fence; said fence to be erected on, or as near as practicable, the line of said land; and if, after six months' notice given, either party shall persist in refusing to erect, or cause to be erected, one-half of such fence, the party giving the notice may proceed to erect or cause to be erected, the entire partition fence, and collect by law one-half of the cost of such fence from the other party, and he shall be entitled to the lien upon the land thus partitioned, as provided in the preceding section.

Parties to maintain same. SEC. 3. Except when otherwise agreed, partition fences dividing lands occupied on both sides shall be maintained throughout the year, each party keeping in repair the portion constructed by, adjudged to, or paid for by him. If either party fails so to do, the other may give him three days' notice that he will call upon three disinterested householders, at a specified hour on the day fixed, to examine such fence, and, if they deem it insufficient, to assess the amount necessary to make it sufficient.

Damages. SEC. 4. If, within fifteen days thereafter, the party to whom notice has been given shall fail to repair such fence, the complainant may do so; and in that case he shall have cause of action against the other for the amount so assessed, with twenty-five per cent. damages thereon.

SEC. 5. Upon such trial, the defendant may impeach the assessment, and in that case the court or jury, as the case may be, shall determine the amount of damages.

CHAP. CLXXIV.—*An Act for the Relief of John C. Hays, late Sheriff of the County of San Francisco.*

[Approved April 3, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of three hundred and sixty-six dollars and sixty cents, with legal interest thereon, from the fifth day of March, one thousand eight hundred and fifty-three, being the just proportion of a certain judgment recovered against John C. Hays, in the Circuit Court of the United States for the District of California, Northern District of said State, for State taxes illegally collected by him, which should be paid by said State, is hereby assumed by the State of California. Judgment released.

SEC. 2. The Controller of State is hereby authorized and directed to draw his warrant on the State Treasurer, in favor of John C. Hays, for said sum of three hundred and sixty-six dollars and sixty cents, with legal interest thereon, from the fifth day of March, one thousand eight hundred and fifty-three, up to the time of the issuance of said warrant; and it shall be the duty of the State Treasurer to pay the same out of any moneys in the State Treasury not otherwise appropriated. To draw warrant.

SEC. 3. The sum of seven hundred and fifty dollars is hereby appropriated to pay any warrant drawn in compliance with section second of this act.

SEC. 4. The Board of Supervisors of the city and county of San Francisco are hereby authorized to allow to John C. Hays, and the Auditor of said city and county is hereby authorized to audit to, and in favor of, John C. Hays, the sum of one thousand seven hundred and seventy dollars, with legal interest thereon, from the fifth day of March, one thousand eight hundred and fifty-three, or such sum as the Board may find to be due, as the just proportion of aforesaid judgment recovered against said John C. Hays for county taxes, which should be paid by said city and county of San Francisco; *provided*, the sum to be allowed shall not exceed the sum in this section before named.

CHAP. CLXXV.—*An Act conferring further Powers on the Board of Supervisors of the City and County of San Francisco.*

[Approved April 5, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the city and county of San Francisco is hereby authorized to allow and order paid out of the General Fund, the Auditor to audit, and the Treasurer to pay, to Milo Calkin the sum of three thousand five hundred and seventy-five dollars, or so much thereof as the said Board Appropriation.

may deem equitable and just, which said amount shall be in full payment to the said Milo Calkin for extra services rendered by him as Clerk of the said Board of Supervisors from December ninth, one thousand eight hundred and fifty-six, to February twenty-ninth, one thousand eight hundred and sixty.

CHAP. CLXXVI.—*An Act to authorize and require the Board of Supervisors of the City and County of San Francisco, and the Auditor to audit, and the Treasurer to allow and pay, a certain Claim therein mentioned.*

[Approved April 5, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Board authorized to pay, etc.

SECTION 1. The Board of Supervisors of the city and county of San Francisco is hereby authorized and required, and the Auditor to audit, and the Treasurer to allow and pay, to Charles P. Duane or his assigns, the sum of two thousand eight hundred and seventy-two dollars, or so much thereof as may be found just and equitable, out of any moneys in the General Fund, expenses incurred by the said Duane for the Fire Department of the city and county of San Francisco, from July first, one thousand eight hundred and fifty-five, to December thirteenth, one thousand eight hundred and fifty-five, in repairs on engines, hose-carts, cisterns, and of the corporation yards; *provided*, that the same has not already been paid, and upon evidence being furnished that the work was faithfully performed for said service.

Proviso.

CHAP. CLXXVII.—*An Act authorizing the Board of Supervisors of El Dorado County to levy a Toll for the crossing at Brockliss' Bridge, on the Sacramento and El Dorado Wagon Road.*

[Approved April 5, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

To levy tax.

SECTION 1. The Board of Supervisors of El Dorado County are hereby authorized to charge and collect toll on the bridge crossing the South Fork of the American River at Brockliss', on the line of the Sacramento and El Dorado Wagon Road over the Sierra Nevada Mountains; the proceeds of said toll, over and above the payment awarded to the Toll-Keeper, shall be applied to no other purpose than the keeping of said road which has been completed, or may hereafter be completed, under the order of the Board of Supervisors, in as good condition and repair as the amount accruing will admit; *provided*, that if more funds be collected than may be required to keep said road in repair, such

surplus shall be applied to the construction of the uncompleted portion of the road between said bridge and Sportsman's Hall, on the line of Day's survey, to be built on the most practicable grades to avoid the ascent at the Junction House.

Suitable person to collect.

SEC. 2. Said Board of Supervisors shall appoint some suitable person to collect and receive the tolls charged for the crossing of said bridge, and perform such labor as his time will admit, in the vicinity of where the tolls are received, to keep the road in proper repair as may be required, whose pay shall not exceed one hundred dollars per month, and shall require of said Toll-Keeper prompt monthly payment or oftener, as may be ordered by the Board of Supervisors, of all moneys collected by him the preceding month; also, require of the person so appointed a bond for the faithful performance of his duties, in a sum not less than one thousand dollars, said bond to be approved by the Board of Supervisors. The bond shall be joint and several, and executed by two or more sufficient sureties, and verified as other official bonds, and made payable to the Board of Supervisors of El Dorado County; and all moneys collected for any violation of the provision of such bond, shall inure to, and become a part of, the Wagon Road Fund. Actions may be maintained on said bond, as in other cases of official bonds.

To regulate rates of toll.

SEC. 3. Said Board of Supervisors may regulate and determine the rates of toll on said bridge—not to exceed twenty-five cents per horse or mule, with rider, and thirty-seven and one-half cents for one horse, mule, or ox, driven to wagon, and twelve and one-half cents for each additional horse, mule, or ox, driven to wagon, and ten cents per head of pack mules and loose stock; and said Board may determine the speed of travel, riding, or driving, upon said bridge, and may require the speed not to be faster than a walk; and for each violation may recover judgment before any competent court, for riding or driving faster than the speed authorized. There shall be kept in some conspicuous place at each end of the bridge a bulletin board, which shall contain the scale of prices or tolls, and notice of speed allowed. The Toll-Keeper shall be required to except all immigrants and their stock and footmen from the charge and collection of toll, as prescribed by said Board.

Immigrants.

SEC. 4. An "immigrant" is hereby construed to mean persons who have crossed the plains from Utah, or States east of the Rocky Mountains, during the season, on their journey to this State. The Toll-Keeper shall be *ex officio* Superintendent (without extra compensation,) of the workmen employed to keep the road in repair, or to work on such uncompleted sections as may be determined on, in accordance with section one of this act. All orders upon the fund so accruing, for labor performed, must be certified to by the Toll-Keeper, who shall always regulate the amount of labor in strict accordance with the funds accumulating. Said funds shall be disbursed monthly to the laborers employed; any surplus left in the hands of the Board of Supervisors, after each settlement with the Toll-Keeper, shall be disbursed by them thereafter, to the workmen performing labor on said road. At each settlement with the Board of Supervisors the Toll-Keeper shall make oath that his statement contains a full, true, and accurate, account, of all moneys collected by him for, or

To make oath.

on account of tolls, or crossing bridge, and that said settlement contains an account of all the money or other things of value so received by him, or due and unpaid for, and that he has not permitted any crossing over said bridge without the payment of the prescribed rates of toll, except footmen and immigrants, and teams employed in working on and repairing said road, as provided in this act.

Disposition of moneys.

SEC. 5. The moneys collected by the Toll-Keeper shall be paid to the Treasurer of El Dorado County, and kept by him as other county moneys are kept, but shall be kept as a distinct fund, to be called the Sacramento and El Dorado Wagon Road Fund, and the same shall be paid out on the order of the Board of Supervisors of El Dorado County. The tolls prescribed in section three herein, which shall also be embraced in each statement, to the Board of Supervisors.

To take effect.

SEC. 6. This act to take effect from and after its passage.

CHAP. CLXXVIII.—*An Act granting further Powers to the Board of Supervisors, the Auditor, and Treasurer, of the City and County of San Francisco.*

[Approved April 6, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

May audit and allow.

SECTION 1. The Board of Supervisors of the city and county of San Francisco are hereby authorized and empowered to allow and order paid, out of the General Fund, any sum or sums, not exceeding three thousand dollars, for the expenses of the reception and entertainment by said Board of the Japanese Embassy, and their escort, lately arrived; and the Auditor of said city and county is hereby authorized to audit, and the Treasurer to pay, the said sum or sums of money so allowed and ordered paid by said Board of Supervisors, by authority of this act.

CHAP. CLXXIX.—*An Act to authorize the Board of Supervisors of Contra Costa County to appropriate Money to the use of the Contra Costa County Agricultural Society.*

[Approved April 6, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Annual appropriation.

SECTION 1. The Board of Supervisors of the county of Contra Costa are hereby authorized to appropriate, annually, two hundred and fifty dollars of any money in the county treasury not otherwise appropriated, for the use of the Contra Costa County Agricultural Society.

SEC. 2. Said two hundred and fifty dollars shall be used by the society solely for the purpose of conferring premiums upon the owners of the best mechanical implements, and of the best agricultural products, and of the best stock of any kind, or upon owners of any article, by the society deemed worthy, which may be exhibited for the purpose of premiums at the Contra Costa County Agricultural Society. Purpose.

SEC. 3. All acts or parts of acts in conflict with this act, are hereby repealed. Acts repealed.

CHAP. CLXXX.—*An Act concerning Taxes in the County of Monterey.*

[Approved April 6, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors in and for the county of Monterey, is hereby authorized and empowered to levy and cause to be collected in the manner as other taxes in the county, a tax for the support of common schools in said county, over and above other taxes which they are authorized to levy, not to exceed twenty cents on each one hundred dollars of taxable property in said county, and also a tax for making and repairing roads and bridges in said county, over and above other taxes which they are authorized to levy for the same purpose, not to exceed twenty cents on each one hundred dollars of taxable property in said county. Additional tax.

SEC. 2. The Board of Supervisors in said county shall, annually, from the first day of February to the tenth day of September following, inclusive, in each year, direct the Collector, either in person or by Deputy, to accompany the Assessor through the county, and upon the entry of any assessment of movable personal property, to any person, firm, corporation, association, or company, who does not own real estate within the county of value enough to pay the taxes, to demand the payment of the taxes on the same; and in cases of neglect or refusal to pay such taxes, the Tax Collector shall enforce the payment according to law. Personal property.

SEC. 3. This act shall take effect from and after its passage.

CHAP. CLXXXI.—*An Act making Appropriations for Deficiencies in Appropriations made for the Tenth Fiscal Year ending June thirtieth, one thousand eight hundred and fifty-nine, and for the Eleventh Fiscal Year ending June thirtieth, one thousand eight hundred and sixty.*

[Approved April 6, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriations.

SECTION 1. The following sums of money are hereby appropriated, out of any money in the General Fund, not otherwise appropriated, for the purpose hereinafter expressed: For costs of suits to which the State was a party, tenth fiscal year, six hundred dollars; for eleventh fiscal year—for salary of Governor, sixteen dollars and sixty-six cents; for salary of Secretary of State, nine dollars and seventy-one cents; for salary of members of Board of Examiners, five dollars and fifty-eight cents; for Deputy Controller, five hundred dollars; for special contingents of Governor, two thousand dollars; for contingent expenses of Governor's office, two hundred and fifty dollars; for rent of Quartermaster-General's office and armory, two hundred dollars; for contingent and Clerk hire for Superintendent of Public Instruction, nine hundred dollars; for arrests of escaped convicts, five hundred dollars; for contingent expenses of Controller's office, two hundred dollars; for stationery, fuel, and lights, nine hundred dollars.

To take effect.

SEC. 2. This act shall take effect from and after its passage.

CHAP. CLXXXII.—*An Act to authorize the Administrator of the Estate of Charles White, deceased, to sell and convey Real Estate.*

[Approved April 6, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authorized to sell.

SECTION 1. The Administrator of the estate of Charles White is hereby authorized to sell at public sale, at his discretion, and without having first obtained an order of the Probate Court therefor, the whole or any portion of the real estate claimed by the said Charles White at the time of his death, as in the judgment of the said Administrator shall best promote the interests of those who are entitled to said estate.

To report.

SEC. 2. The Administrator shall make a full report of any sale or sales that he shall make, by virtue of the powers herein granted, to the Probate Court of the county of Santa Clara, and the Judge of said court shall, either in term time or vacation, in open court or in chambers, examine the same, and confirm or set aside the said sale or sales, as he may deem just and proper and for the interests of said estate.

SEC. 3. After the approval of the sale or sales by the Probate Court, the Administrator shall convey to the purchaser or purchasers the property so sold, and receive the purchase money therefor; and the titles so conveyed shall be as valid as if made under an order of the proper Probate Court in due course of law. To convey valid title.

CHAP. CLXXXIII.—*An Act for the relief of George W. Manchester, Administrator upon the Estate of Thomas Manchester, Deceased.*

[Approved April 6, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the President of the Board of Supervisors, the Auditor, and Treasurer, of the city and county of San Francisco, comprising the Commissioners of the Funded Debt of the city and county of San Francisco, be, and they are hereby, authorized, empowered, and required, to issue bonds in all respects similar to the bonds issued by said Commissioners, dated January first, one thousand eight hundred and fifty-eight, to George W. Manchester, for county warrants numbers eighty-nine, ninety, and one hundred and four, issued by order of the Board of Supervisors of said county, on the twenty-fifth day of May, one thousand eight hundred and fifty-five, for the sum of one thousand dollars each, respectively, payable to the order of T. Manchester, and lost by him prior to his decease, and being a part of the sum of twenty-four thousand dollars in county scrip, issued by the Board of Supervisors of said county to said Thomas Manchester, for the purchase of fifty vara lot number four hundred and eighty-two, for a hospital, in the same manner as if said lost scrip, numbers eighty-nine, ninety, and one hundred and four, had been passed upon and allowed by the Board of Examiners appointed by the act of April twentieth, one thousand eight hnndred and fifty-eight, at the same rate, and subject to the same discount as the remainder of said twenty-four thousand dollars, issued to said Thomas Manchester, for the purchase of said lot, was allowed by them, as appears by the books and report of said Board of Examiners, now in charge of said Fund Commissioners. To issue warrants.

SEC. 2. That at the time of issuing said bonds, said George W. Manchester shall execute a bond of indemnity therefor, to the city and county of San Francisco, in the sum of three thousand dollars, with two or more sureties, to be approved by said Commissioners of the Funded Debt. To execute bond.

CHAP. CLXXXIV.—*An Act for Opening and Repairing Roads in the Counties of Sutter and Santa Cruz.*

[Approved April 6, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All roads shall be opened and repaired in accordance with the provisions of this act.

Road Districts.

SEC. 2. The counties of Sutter and Santa Cruz shall be divided into road districts, as follows: Each and every congressional township in said county shall consist of one road district; *provided*, that the Board of Supervisors shall have power to change or alter said road districts, as they may deem proper.

Overseer appointed.

SEC. 3. At the first meeting of the Board of Supervisors after the passage of this act, in the counties herein named, they shall appoint a Road Overseer for each road district and annually thereafter, whose term of office shall be for one year.

Duties of.

SEC. 4. Such Overseer shall, within ten days after receiving notice of his appointment, take the usual oath of office, and shall execute a bond to the people of the State of California, with one or more sureties, in a sum double the probable amount of road moneys that may come into his hands, to be fixed by the Board of Supervisors, and shall be conditioned for the faithful performance of the duties of his office, and the payment by him to the County Treasurer, within two days after settlement with the Board of Supervisors, of all moneys which may be found due, or in his possession, to be placed to the credit of the Road Fund. Any person receiving such appointment, and failing to qualify within the time specified, shall be subject to a fine of twenty-five dollars; unless for good cause shown the Board shall excuse such person; *provided*, the same person shall not be compelled to serve in the capacity of Overseer two successive years.

Poll tax.

SEC. 5. The Board of Supervisors shall have power, and it is hereby made their duty, to levy a poll tax upon all able-bodied men between the ages of twenty-one and fifty years, of three dollars per annum, or two days' work, to be done as hereinafter provided, and a property tax of not more than twenty-five cents on each one hundred dollars of taxable property in the county, as assessed by the County Assessor, which shall constitute a County Road Fund.

Proceedings in laying out roads.

SEC. 6. The Board of Supervisors of the county shall on presentation of a petition to said Board, praying for a county road to be laid out in the county, and designating the points therein, appoint two proper persons of the county, together with the County Surveyor, to view out the road as petitioned for, and it shall be the duty of those so appointed to proceed as soon as practicable, to the place designated in the petition, and lay out said road on the nearest and best route between the points designated in the petition or order of the Board, and report on its utility, and said report shall be recorded by the Clerk, in the records of said Board; and if said Board shall be of opinion that such road is necessary, they shall make an order to that

effect, and declare the same to be a public highway, provided no objection be made.

Notice to be given.

SEC. 7. When objection has been made, notice thereof shall be given, as publicly as possible, to the parties owning the land through which the road is run, if such parties reside within the county; and, if objection by the owners is made to the location, the Reviewers shall assess the damages which will be sustained by those persons by reason of the road passing over the land, who shall refuse to grant the right of way; in assessing such damages the Reviewers shall take into consideration the advantages as well as the disadvantages of the road to such persons, and report the same to the Supervisors.

Damages.

SEC. 8. If the Board of Supervisors deem the damages so assessed just and equitable, and deem the said road of sufficient importance to the county to pay the said damages as assessed out of the County Road Fund, they shall cause the same to be paid to the applicant or applicants to which the same may belong; but if in their opinion the said road is not of sufficient importance to the public, to cause the said damages to be paid out of the County Road Fund, they may refuse to establish the same as a public highway, unless the damages which have been assessed shall be paid by the petitioners for said road; in such case they shall declare the same a public highway.

Who subject.

SEC. 9. All able-bodied male inhabitants between the ages of twenty-one and fifty years, having resided in the State sixty days, and in the road district one month, shall be subject to work on the public roads.

Duties of Overseers.

SEC. 10. It shall be the duty of the said Road Overseers to make a list of all inhabitants subject to work on public roads, and from time to time, in the county of Sutter, between the first day of February and the first day of May of each year, and in the County of Santa Cruz, as he may deem proper, notify such persons to appear and work on the public roads.

Receipt.

SEC. 11. It shall be the duty of the said Overseers to receipt in full to all persons liable to work on public roads, after they shall have performed two days' labor or pay three dollars in cash.

Notice.

SEC. 12. Verbal or written notice left at the residence or place of abode of the party shall be sufficient notice.

Persons failing or disobeying.

SEC. 13. Every person made liable to work on a road, who fails without a reasonable excuse to attend, either in person or by satisfactory substitute, without proper tools or instruments, having had two days' notice thereof, or, having attended, shall disobey the reasonable orders of such Overseer, shall forfeit and pay two dollars for each day he may attend and fail to work with due diligence.

Delinquents.

SEC. 14. Each Overseer shall place a list of all such delinquents as may have failed to attend, or having attended failed or refused to obey the reasonable orders of the Overseer, in the hands of some Justice of the Peace of the township.

Judgment.

SEC. 15. Such Justice shall immediately issue a summons in the name of the Overseer, for the use of his road district, against such delinquent, and proceed thereon to judgment and execution, as in ordinary cases.

SEC. 16. If judgment be given against such delinquent, he

shall pay the costs; if against the Overseer, the costs shall be paid out of the funds of the road district.

Fines how applied.

SEC. 17. All fines and forfeitures incurred under the provisions of this act shall be applied to the improvement of public roads within the limits of such road districts wherein such fines and penalties may have been incurred, and for that purpose said Overseer shall make an annual settlement with the Board of Supervisors, and pay over all moneys in his hands to the County Treasurer, which shall constitute a Road Fund for that district.

SEC. 18. Whenever any Constable shall collect any fines or forfeitures imposed by this act, he shall pay the same into the hands of the Justice of the Peace by whom the judgment was rendered.

SEC. 19. Such Justice shall receive the same and pay it over to the Overseer of the proper road district, and take his receipt therefor.

Property tax how collected.

SEC. 20. The property tax assessed by section five of this act shall be collected as other county and State taxes and paid to the County Treasurer, who shall place it to the credit of the County Road Fund, and pay the same upon warrants drawn by the Board of Supervisors on said fund.

SEC. 21. The Treasurer shall receive all moneys paid by Road Overseers, and place the same to the credit of the respective districts from which it may be received, and pay the same on presentation of warrants drawn by the Board of Supervisors on said District Fund.

Moneys how applied.

SEC. 22. The Board of Supervisors shall have power to appropriate any or all moneys that may be in the County Road Fund, for the construction of roads, the building of bridges, and repairing the same, and shall prescribe the manner in which the same shall be expended.

SEC. 23. The Board of Supervisors shall, on the presentation of a petition of citizens, setting forth the necessity of an appropriation of any or all moneys that may be in the Road District Fund of the road district of which they are residents, appropriate the same, and prescribe the manner in which the same shall be expended.

Compensation.

SEC. 24. The Overseers and Reviewers appointed by this act shall be entitled to such compensation as the Board of Supervisors may deem proper, not to exceed the sum of six dollars per day.

SEC. 25. All acts and parts of acts in conflict with the provisions of this act are hereby declared inapplicable to the counties of Sutter and Santa Cruz.

To take effect.

SEC. 26. This act shall take effect immediately.

CHAP. CLXXXV.—*An Act to authorize the Board of Supervisors of San Joaquin County to levy a Special Tax for the purpose of assisting "The San Joaquin Valley District Agricultural Society."*

[Approved April 6, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the county of San Joaquin may, in addition to the taxes now authorized by law, levy a special tax of one thousand dollars for the purpose of assisting "The San Joaquin Valley District Agricultural Society," for the year one thousand eight hundred and sixty. Special tax.

CHAP. CLXXXVI.—*An Act legalizing the Assessment Roll in and for the County of Plumas, in the year one thousand eight hundred and fifty-nine.*

[Approved April 6, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The assessment of real and personal property, made by the County Assessor in and for the county of Plumas, for State and county purposes, for the year one thousand eight hundred and fifty-nine, is hereby legalized and rendered valid and binding, both at law and in equity, as though the said assessment had been made in accordance with the provisions of an act entitled "An Act changing the time of assessing the value of Real and Personal Property and collecting the Taxes levied thereon for State and County Purposes, in the Counties of Sierra and Plumas," approved April sixteenth, one thousand eight hundred and fifty-nine. Assessment legalized.

SEC. 2. This act shall take effect from and after its passage. To take effect.

CHAP. CLXXXVII.—*An Act to change the name of Jeremiah Gove Baker to Henry Tiffany Baker.*

[Approved April 6, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of the person heretofore known as Jeremiah Gove Baker is hereby changed to that of Henry Tiffany Baker, so that hereafter he shall be called and known by, and assume and use, the name of Henry Tiffany Baker, and by the Name changed.

said name he shall acquire, obtain, and enjoy, all legal rights and property, as may inure to him by reason of such change of name.

CHAP. CLXXXVIII.—*An Act to authorize Jeremiah V. Hollinsead to convey certain Real Estate.*

[Approved April 6, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authorized to sell.

SECTION 1. Jeremiah V. Hollinsead is hereby authorized to sell and convey his interest and the homestead claim of himself and wife, in and to the land on the north side of Ellen Street, between Howard and Mission streets, in the city and county of San Francisco, and hitherto occupied by him as a homestead; and any conveyance of the whole or any part of such land, made by the said Jeremiah V. Hollinsead, shall be as valid and binding as if the wife of the said Jeremiah V. Hollinsead, who is now in the Insane Asylum, had joined in such conveyance.

CHAP. CLXXXIX.—*An Act for the Survey of Logs in the County of Humboldt.*

[Approved April 6, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

To appoint Surveyors.

SECTION 1. The Board of Supervisors of the county of Humboldt shall, when in their opinion they may deem it necessary, appoint one or more Surveyors in said county, removable at pleasure by said Board; said Surveyor or Surveyors, when so appointed, may be required to file a bond by the Board of Supervisors of said county, the amount and sufficiency to be approved of by said Board of Supervisors; said Surveyor or Surveyors so appointed shall have the exclusive right to survey, for hire, all logs that may be required to be surveyed by the buyer or seller of logs in said county; and he or they shall be entitled to receive such fees for his or their services for surveying logs as the Board of Supervisors of said county may allow for such services.

SEC. 2. The following log rule shall be adopted as the standard for general use between the buyer and seller of logs throughout the county of Humboldt, in this State, and it is hereby made the duty of the Surveyors appointed under the provisions of section one of this act, to use the same and none other: The diameter shall be taken at the top end; and a sufficient allowance shall be made for crooked logs, so as to produce the same quan-

Log Rule.

tity of lumber as if said crooked logs were straight. No log shall be considered merchantable that is less than sixteen inches in diameter at the small end, or under twelve feet long.

SEC. 3. This act shall take effect from and after its passage. To take effect.

CHAP. CXC.—*An Act to authorize the American River Water and Mining Company to extend their Works to or near the City of Sacramento, for the purpose of Supplying the Inhabitants thereof with pure Fresh Water for Drinking and other Domestic Uses.*

[Approved April 6, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The American River Water and Mining Company shall have the right to purchase or to appropriate and take possession of, and to use and hold all lands within the county of Sacramento, and so much of the lands in Placer County as are known as the "San Juan Grant" as are necessary for conveying pure fresh water to or near the city of Sacramento, outside of the city limits of the city of Sacramento, in order to supply the inhabitants of said city with water for drinking and other domestic uses, upon first making compensation for all such lands and upon the further conditions and exactions hereinafter set forth. Conditions of grant.

SEC. 2. The mode of proceeding to appropriate and take possession of such lands, when the parties cannot agree upon the purchase thereof, shall be the same as prescribed in sections twenty-seven, twenty-eight, and twenty nine, of an act to provide for the incorporating of railroad companies, passed April twenty-second, A. D. one thousand eight hundred and fifty-three, except that such proceedings shall be had before the County Judge of the county or city, or the city and county in which such lands may be situated. Said company shall furnish pure fresh water to the inhabitants of said city and the city and county of Sacramento, for family uses, so long as the supply permits, at reasonable rates, and without distinction of persons, upon proper demand therefor, and shall furnish water to the extent of their means to said city, in case of fire or other great necessity, free of charge. The Board of Supervisors of the city and county of Sacramento shall determine the rates to be charged for water, from time to time; *provided*, said rates shall not be reduced lower than the rates charged by the City Water Works, unless by agreement of the parties; and shall have the right to direct the mode and manner of exercising the rights herein conferred, and the mode and manner of discharging the obligations and duties herein imposed, so far as the same relates to the delivery of the water, and to the streets, ways, and alleys, in which said company shall place any of their works within said city. The said Board of Supervisors shall have the right, on paying to said company, in cash, the cost of all necessary water pipes, reservoirs, Manner of proceeding.

Supervisors may purchase.

flumes, or other works, laid down and in use by said company, at or within said city, to take possession of the same; and the rights and privileges herein granted to said company shall thereupon vest in said city. The said Board of Supervisors are hereby empowered to make such other and additional rules and regulations regarding the rights and duties of said company as are not inconsistent with the constitution and laws of this state and the provisions of this act.

Construction of act.

SEC. 3. Nothing in this act shall be so construed as to give the said company the right to appropriate the waters of the American River at any point within the city, or the city and county of Sacramento, so as to prejudice the rights of the riparian owners of lands along said river to the use thereof; or to purchase or appropriate the waters of any ditch, gulch, or ravine, on the line of said company's works, as extended under the provisions of this act, without the consent of the parties owning the same; or to take or appropriate any lands or waters for mining or for any other purpose than as expressly provided for in this act.

To take effect.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHAP. CXCI.—*An Act to authorize the President of the Board of Supervisors, the Auditor, and the Treasurer, of the City and County of San Francisco, to provide for the actual and prospective Deficiency in the Corporation Debt Fund of said City and County, for the Fiscal Year one thousand eight hundred and fifty-nine and one thousand eight hundred and sixty.*

[Approved April 6, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The President of the Board of Supervisors, the Auditor, and Treasurer, of the city and county of San Francisco, are hereby authorized and empowered, for, and on behalf of

Loan.

said city and county, to borrow a sum of money, not exceeding fifty-five thousand dollars, ($55,000), on the best terms possible, payable in demands on the General Fund of the said city and county, in the order of their registration, as in other cases. Said demands respectively shall express on their face the sum of money loaned, and the rate of monthly interest which said officers shall have agreed to allow for the same, and upon receipt of such sum, said officers shall indorse their approval upon such demands, when the same shall be duly audited, and then presented to the Treasurer, who shall forthwith register them. At the time when the said demands for principal shall become due, and payable in the order of registration, the Treasurer shall give notice thereof to the lenders or their assigns, and the interest accruing on said demands shall thereupon cease, and the same shall then be computed and a separate demand for the amount of interest already accrued shall be forthwith approved by the

aforesaid officers, audited and paid simultaneously, with the principal, without registration, in the treasury. The money so borrowed, shall be paid into the Corporation Debt Fund, and shall be applied by the City and County Treasurer, to the payment of the interest falling due July first, one thousand eight hundred and sixty, upon coupons number twelve of the Fire Bonds, coupons number ten of the bonds of one thousand eight hundred and fifty-five, both due in New York, and coupons number four of the bonds of one thousand eight hundred and fifty-eight due in San Francisco.

SEC. 2. The Treasurer of the city and county aforesaid, is hereby authorized and empowered to transfer to the General Fund, from the moneys collected for taxes of the fiscal year one thousand eight hundred and sixty and one thousand eight hundred and sixty-one, applicable to the Corporation Debt Fund, the amount drawn from the said General Fund, to meet the demands referred to in the preceding section, and also an amount not exceeding eighteen thousand dollars for the purpose of meeting the existing deficiency in the said General Fund, caused by payment therefrom of balance due Commissioners of the Funded Debt of one thousand eight hundred and fifty-one, on requisition of the current fiscal year, properly payable out of the Corporation Debt Fund; and furthermore, to the Fire Bond Sinking Fund from the same source, the sum of sixteen thousand six hundred and sixty-six dollars and sixty-seven cents, corresponding thereto for the current fiscal year.

Transfer of funds.

CHAP. CXCII.—*An Act amendatory of an Act entitled "An Act to authorize the Treasurer of the City and County of San Francisco to execute certain Deeds and cancel Claims," approved April twenty-sixth, one thousand eight hundred and fifty-eight.*

[Approved April 6, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said act is hereby amended so as to read as follows:

Sec. 1. The Treasurer of the city and county of San Francisco, shall receive of the person or persons to whom any lot was struck off or their assigns, in the manner hereinafter mentioned, the whole of the purchase money, or any sum or sums remaining unpaid by said person or persons to whom any lot was struck off, or either of them, to the city of San Francisco or to the city and county of San Francisco, to the use of said corporations, for the real estate struck off at auction by said city of San Francisco, on the twenty-sixth day of December, one thousand eight hundred and fifty-three, by authority of Ordinance numbered four hundred and eighty-one, entitled "Ordinance to provide for the Sale of certain City Property," approved December fifth, one thousand eight hundred and fifty-three. And the person or

Duty of Treasurer.

persons to whom any lot was struck off or their assigns, may pay the whole of the said purchase money or the said sum or sums remaining unpaid, as aforesaid, to the said Treasurer, in cash, or in any judgment against said city, or in any bonds of said city, or of said city and county, which have heretofore been issued, or may hereafter be issued, or in any genuine City Controller's warrants which may have been issued on or after the first day of May, one thousand eight hundred and fifty-one, or in any three per cent. scrip issued by said city prior to the first day of May, one thousand eight hundred and fifty-one. The Treasurer, Auditor, and Finance Committee of the Board of Supervisors, of said city and county, shall examine said Controller's warrants or scrip, as to their genuineness, and approve the same; *provided*, said judgments or bonds have not been paid; and, *provided*, said Controller's warrants and said scrip have not been funded under any of the funding acts heretofore passed; and, *provided* further, that no judgments have been recovered on any of said warrants or scrip.

SEC. 2. Section six of said act is hereby amended so as to read as follows:

Limitation. SEC. 6. The time for making payments and delivering the deeds under this act is hereby limited to, and including, the first day of July, one thousand eight hundred and sixty.

CHAP. CXCIII.—*An Act to authorize the Collection of State and County Taxes in the County of Mariposa.*

[Approved April 6, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the county of Mariposa may cause to be entered, by the Clerk of such Board, upon the records of the Board kept by him, an order requiring the Unpaid taxes. Tax Collector of that county to collect any unpaid or delinquent State, county, or town, taxes, due from any person within said county, or upon any property which may have been assessed in said county, in the manner required by law, at any time previous to the year next preceding that in which said order is made; said order shall set forth the nonpayment of the taxes, and shall direct the Tax Collector to collect the same. It shall also contain a true copy of the tax list of the property upon which said delinquency arose as made by the Assessor of the county or district in which the same was listed.

SEC. 2. The Clerk of the Board of Supervisors shall make out and deliver to the Tax Collector of the county or district in which the property was listed, as provided in section one of this act, a certified copy of the order of the Board of Supervisors, made as authorized in said section; and said Tax Collector is Tax Collector to prosecute. hereby authorized and required, immediately after the receipt of the certified copy of the order aforesaid, to commence and prose-

cute the collection of said delinquent taxes, in the same manner as collections of similar taxes are required by law to be made by virtue of, or under, the general assessment. All sales shall be made, and certificates and deeds of property executed, in the same manner and with like effect as sales are made and deeds and certificates are issued, by virtue of the general laws for the collection of taxes in force at the time.

CHAP. CXCIV.—*An Act to declare certain Streams and Sloughs Navigable in Humboldt County.*

[Approved April 10, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the streams and sloughs emptying into Elk River, in Humboldt County, that now are, or at any time have been, used for the purpose of floating logs or timber, are, by this act, declared navigable. What streams navigable.

SEC. 2. All the streams and sloughs north of Eureka, in the county of Humboldt, that are, or have been, used, as in section one of this act, are hereby declared navigable.

SEC. 3. All the sloughs south of Humboldt Point, in Humboldt County, that have a depth of two feet of water at high water, and of sufficient width as to admit a boat capable of carrying five tuns of freight or more, are hereby declared navigable.

CHAP. CXCV.—*An Act to provide for the Proper Registration and Canceling of the Evidences of Indebtedness, paid prior to the Term of the present State Treasurer.*

[Approved April 10, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the sum of twenty-five hundred dollars be, and the same is hereby, appropriated out of any moneys in the treasury, not otherwise appropriated, for the purpose of securing the proper registration and canceling of the old bonds, coupons, with all other evidences of indebtedness and vouchers, on file in the office of the Treasurer of State, paid by the former State Treasurers; the same to be performed under the supervision of Thomas Findley, Esq.; *provided*, that vouchers of this sum be retained; also, *provided*, that the sum expended shall not exceed, in all, the sum herein appropriated. Amount appropriated.

SEC. 2. Said registration and canceling shall be performed in the same manner as the registration and canceling of evidences Registration, etc,

of indebtedness have been conducted by Thomas Findley during his term of office.

CHAP. CXCVI.—*An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to Regulate Proceedings in Criminal Cases,'" passed May first, one thousand eight hundred and fifty-one, approved April seventh, one thousand eight hundred and fifty-seven.*

[Approved April 10, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said act is hereby amended so as to read as follows:

Sec. 1. Section six hundred and ninety-two of said act is hereby amended so as to read as follows:

Fees. Sec. 692. The District Attorney shall receive on each conviction for felony, when the punishment is death, fifty dollars; for each conviction for other felony, twenty-five dollars; on each conviction for misdemeanor, the sum of fifteen dollars; which said sums shall be assessed against the one convicted, and if the same cannot be collected from the defendant, then it shall be considered a county charge, and be audited by the Board of Supervisors; *provided*, that [in] the counties of San Joaquin, Humboldt, and Placer, the fees allowed by this act to District Attorneys shall in no event become a county charge. The District Attorney shall receive ten per cent. upon all collections upon forfeited recognizances.

CHAP. CXCVII.—*An Act supplementary to an Act entitled "An Act to confer further Powers upon the Board of Education, Auditor, and Treasurer, of the City and County of San Francisco," approved March fifteenth, A. D. one thousand eight hundred and sixty.*

[Approved April 10, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Duties of Board. SECTION 1. The Board of Education of the city and county of San Francisco, are hereby authorized and required to order paid, and the Auditor of said city and county to audit claims and demands for wages of teachers, and other indebtedness against the School Fund of said city and county, for the fiscal year ending June thirty, one thousand eight hundred and sixty, (notwithstanding there may be no money in the treasury to pay the same,) and also a demand in favor of the late Superintendent of Public Schools in said city and county, for expenditures incurred by him during his official term, ending October fifth, one thousand eight hundred and fifty-nine, on account of expenses such

as are now designated and provided for in sections seventh and ninth of the act entitled as above, approved March fifteenth, one thousand eight hundred and sixty, to which this act is supplementary; the amount remaining unpaid on such demand to be shown to the said Board by proper vouchers, and to be paid out of the General Fund of said city and county; and also in like manner to order paid, audit, and pay, out of said last mentioned fund, to J. C. Pelton, the former Superintendent of Public Schools in said city and county or his assigns, all such sum or sums of money, or so much thereof as may be found equitable and just, which may, upon proper evidence and vouchers, be found to have been expended by him while such Superintendent in and for said county and said city and county of San Francisco, on account of and for such service and object, as the present Board of Education of said city and county are now authorized to order paid, by the provisions of the act above named; *provided*, that the amount so audited upon the School Fund, shall not exceed the expenditures necessary to carry on the existing public schools of said city and county for the full term of ten months during the present fiscal year.

Further duties.

SEC. 2. The said Board of Education is also authorized and required to order paid, the Auditor to audit, and the Treasurer to pay, to said J. C. Pelton or his assigns, any and all sum or sums of money which, upon proper vouchers may be shown to have been necessarily and judiciously expended by him as such Superintendent as aforesaid, in the erection, repair, or furnishing, school-houses, for books and stationery, and for the general interest of the school department with which he was connected, said amount to be paid out of any moneys now to the credit of the School Fund, or hereafter accruing to the same.

The Treasurer to pay audited demands.

SEC. 3. The Treasurer of said city and county is authorized and required to pay the demands so audited, in the manner and time now provided by law for the payment of similar demands upon the said funds; and should any demands so audited upon the School Fund remain unpaid on the thirtieth day of June, A. D. one thousand eight hundred and sixty, for want of money in the treasury to pay the same, then such unpaid demands shall be paid out of the School Fund of the fiscal year one thousand eight hundred and sixty and one thousand eight hundred and sixty-one; and the said Treasurer is authorized to pass to the fund last named, any money pertaining to the School Funds of prior years, that may be paid into the treasury on and after the thirtieth day of June, A. D. one thousand eight hundred and sixty.

SEC. 4. This act shall take effect from and after its passage.

CHAP. CXCVIII.—*An Act amending an Act entitled "An Act to Incorporate the Town of Auburn," approved March twenty-ninth,* A. D. *one thousand eight hundred and sixty.*

[Approved April 10, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eight of said law is hereby amended so as to read as follows:

Duty of Commissioners.

SEC. 8. John R. Gwynn, John Russell, and Henry Hubbard, are hereby appointed Commissioners, who, within ten days after the passage of this act, shall give notice that in one week from the date of said notice an election will be held at the time and place designated in the notice, at which election the qualified electors of said town of Auburn will be called upon to vote on the question of the incorporation of said town. Said Commissioners shall cause ballots to be prepared, on which shall be written or printed "Corporation—Yes" or "Corporation—No," and said Commissioners shall constitute the Judges and Inspectors of said election, and shall hold the same and declare the result. If at any such election a majority of the ballots cast shall have written or printed on them the words "Corporation—Yes," then this act shall take effect, and said Commissioners shall declare said town incorporated, and shall hold an election for the officers provided under this act, on the eighteenth (18th) day of April, A. D. one thousand eight hundred and sixty; but if a majority of said ballots, cast as aforesaid, shall have written or printed thereon the words "Corporation—No," then said Commissioners shall declare this act rejected, and the same shall not go into effect.

To take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAP. CXCIX.—*An Act to provide for the Opening of a Channel across the Bar at the Mouth of the San Antonio Creek.*

[Approved April 10, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Commissioners appointed.

SECTION 1. James Dougherty, Alfred L. Tubbs, and W. A. Bray, citizens of the county of Alameda, are hereby appointed Commissioners with the powers and for the purposes hereinafter mentioned. Before entering upon their duties, they shall take and subscribe and file with the Clerk of said county an oath, that they will not be interested either directly or indirectly in any contract, purchase, or supply, in this act mentioned or provided for, and that they will faithfully and honestly discharge their duties as herein prescribed, without negligence, prejudice, or partiality. Said Commissioners shall not receive any compensation for their services, and a majority of them shall consti-

Duties defined.

tute a quorum for the transaction of business. Should either of said persons resign or refuse, or from any cause be unable to act as such Commissioner, the Board of Supervisors of said county shall appoint some suitable person in his place.

SEC. 2. It shall be the duty of said Commissioners immediately to prepare plans and specifications for cutting through and removing in a thorough and durable manner, the bar at or near the mouth of the San Antonio Creek, on the ferry route between Oakland and San Francisco, so that ferry boats can cross said bar without obstruction or delay, at all hours and stages of the tides, and they may, if they think it necessary, employ some competent Engineer to aid them in making a survey and in the preparation of such plans and specifications. The specifications shall provide for the opening of a channel through and across said bar, of sufficient width for the convenient passage of ferry boats such as are now used, and at least five feet in depth at the lowest tides. They shall also provide for the protection of said channel by continuous rows of piles driven on both sides thereof, or by piles and planks, or such other structures as they, upon full examination, shall consider most permanent and useful, with wings extending from the ends thereof, so as by increasing the currents therein, to keep said channel open. Plans to be prepared.

SEC. 3. As soon as such specifications shall be ready, said Commissioners shall advertise for sealed proposals for doing said work and furnishing all of the materials therefor, according to the plans and specifications aforesaid. Such advertisement shall be published, for at least fifteen days, in two or more daily newspapers published in the city of San Francisco. It shall state where said specifications can be seen, where and by whom the proposals will be received, and when and where the same will be opened. The contract shall be awarded to the lowest responsible bidder, unless, in the opinion of the Commissioners, all of the bids received ought to be rejected, in which case they shall readvertise in like manner and with like proceedings as hereinbefore provided for; *provided*, nevertheless, that if said Commissioners shall be satisfied that any proposal is made by an irresponsible or incompetent person, or with a view to hinder or delay the letting of such contract, they may disregard the same. Proposals.

SEC. 4. On awarding the contract, the Commissioners shall require of the person whose proposal is accepted, a contract, in writing, for the due prosecution and completion of said work within the time and according to the terms and conditions in the said contract to be carefully specified, which time shall not exceed six months from the date of said contract. They shall also take from said Contractor a bond, with two or more sufficient sureties, in the sum of six thousand dollars, as liquidated damages, conditioned for the faithful performance and completion of said work, according to the terms of said contract. Said bond shall be given to the county of Alameda, and filed with the County Recorder, and on breach of the conditions thereof, the said sum therein mentioned shall become due and payable to said county from the principal and sureties in said bond. Contract.

SEC. 5. In case of failure on the part of the Contractor to perform and complete said works according to contract, said Commissioners may advertise anew for proposals, and select the same In case of failure of Contractor.

in like manner and subject to like conditions, as hereinbefore specified, for the first advertisement and letting.

Incidental expenses.

SEC. 6. The expenses of advertising, the pay of the Engineer, should one be employed, and all incidental expenses necessarily incurred by said Commissioners in and about said work, shall be paid by the County Treasurer of the said county of Alameda, out of the General Fund, and the bills therefor shall, upon the certificate of said Commissioners, be audited and allowed by the Board of Supervisors of said county.

May issue bonds.

SEC. 7. Said Board of Supervisors shall cause to be prepared, and shall have power to issue in payment to said Contractor, bonds of said county, of the denomination of five hundred dollars and one thousand dollars each, with coupons for interest attached. Said bonds shall purport in substance that the county of Alameda owes and will pay to the holder thereof, at the office of the Treasurer of the county, on the first day of January, one thousand eight hundred and seventy-five, the sum in said bonds respectively mentioned, such sum to bear interest at the rate of ten per cent. per annum; the interest shall be payable semi-annually on the first day[s] of January and July, on presentation, and surrender to said Treasurer of the respective coupons therefor; *provided*, that the first coupon shall not be payable until the first day of January, one thousand eight hundred and sixty-two. Said bonds shall be signed by the Auditor and the Chairman of the Board of Supervisors, and authenticated with the seal of the County Court of said county; the coupons shall also be signed by the said Auditor and the Chairman of the Board.

Contractor to receive bonds.

SEC. 8. Upon the completion of the works and structures herein provided for, and the acceptance thereof by the said Commissioners, and upon the production of their certificate and order for that purpose, said Board of Supervisors shall issue and deliver to the contractor, or to the person named in such order, bonds of said county as aforesaid, in such sum or sums as said Commissioners shall, by their said order, require; *provided*, that upon the furnishing by said Contractor of one-half of the materials and the performance of one-half of the work in said contract, agreed to be furnished and performed to the satisfaction and approval of said Commissioners, they may cause to be issued to said Contractor one-fourth of the amount of the bonds agreed to be paid in said contract; *provided*, however, that the aggregate amount of the bonds to be issued by said Board of Supervisors shall not, in any case, exceed the sum of thirty-five thousand dollars.

Proviso.

Interest.

SEC. 9. In the year one thousand eight hundred and sixty-one, and in each year thereafter, the Board of Supervisors of Alameda County shall levy, and cause to be raised by special tax, upon the property in said county, such sum as may be necessary to pay the accruing interest on the bonds by this act authorized to be issued, and no money shall be paid out of the treasury from the revenue of that year, until a sufficient sum shall have been set apart as a fund for the payment of the interest then accruing on said bonds, which shall not be expended for any other purpose.

SEC. 10. In the year one thousand eight hundred and seven-

ty-four the said Board shall, in like manner, levy, and cause to be collected, by special and additional tax upon the property of said county, whatever sum may be necessary to pay at maturity and redeem the bonds so issued as aforesaid and then remaining unredeemed; and no money shall be paid out of the treasury from the revenue for that year until the entire sum required for the payment and redemption of said bonds shall have been set apart for that purpose, which sum shall constitute a special fund for the redemption of said bonds, and shall not be applied to any other purpose whatsoever. Redemption of bonds.

SEC. 11. Whenever and so often as there shall be in the treasury, unappropriated, moneys to exceed three thousand dollars beyond the amount of the floating debt of said county, the Treasurer and Auditor shall advertise for sealed proposals for the surrender and redemption of said bonds, and shall accept the lowest bids therefor, to the extent of the unappropriated moneys aforesaid; *provided*, that bonds shall not be redeemed at a higher rate than par. Sealed proposals.

SEC. 12. The Clerk of the Board shall take charge of, and safely keep, all the blanks prepared for said bonds, carefully noting the number thereof; and after said bonds shall have been issued, as hereinbefore directed, he shall, in the presence of said Board, destroy the remainder of the blanks. Duty of Clerk.

SEC. 13. If any of the officers mentioned in this act shall neglect or refuse to perform any of the duties herein imposed, he or they may, by mandamus, on the relation of any person interested, be compelled to perform the same, and shall also be responsible in damages to any person aggrieved by such refusal or neglect. If officers neglect or refuse.

SEC. 14. This act shall take effect immediately.

CHAP. CC.—*An Act to appropriate Money for the Purchase of a Dairy for the State Insane Asylum.*

[Approved April 10, 1860.]

The People of the State of California, represented in Senate and Assembly do enact as follows:

SECTION 1. The sum of one thousand dollars is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the purchase of as many cows as said sum will permit, for the use of the State Insane Asylum; *provided*, that vouchers for the sums expended be retained, and the property be vested in, and cared for, by the officers of said asylum, as other property connected therewith; also, *provided*, that the sums expended shall not exceed in all the sum herein appropriated. Amount appropriated.

CHAP. CCI.—*An Act to authorize the State Treasurer to Receive and Cancel certain Evidences of Indebtedness.*

[Approved April 10, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Cancellation of bonds.

SECTION 1. The State Treasurer is hereby authorized and instructed to receive and cancel a certain bond numbered two thousand six hundred and eighty-eight, for five hundred dollars, dated August second, one thousand eight hundred and fifty-eight, with all the coupons attached; also, a certain Controller's warrant, numbered six hundred and seventy-six, dated December fourteenth, one thousand eight hundred and fifty-five, for two hundred dollars; also, Controller's warrant numbered one thousand five hundred and forty-nine, dated February fifth, one thousand eight eight hundred and fifty-six, for forty dollars; also a certificate of balance given by the Treasurer of State, numbered thirteen, for one hundred and sixty-nine dollars and thirty-seven cents, dated February fifteenth, one thousaud eight hundred and fifty-eight.

CHAP. CCII.—*An Act to amend an Act entitled "An Act to provide for the Issuance of Patents to Lands located with State School Land Warrants, and for Lands purchased under the Act of April twenty-third, A. D. one thousand eight hundred and fifty-eight," approved April sixteenth, one thousand eight hundred and fifty-nine.*

[Approved April 10, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of said act is hereby amended so as to read as follows:

Register to issue certificate.

Sec. 3. Upon the production of the evidence required in section two of this act, the Register of the State Land Office shall issue to the applicant his certificate of the proper location of such warrant, upon the tract or tracts of lands described in such location; or if the holder of a certificate of purchase, that all the principal and interest due thereon has been paid, and that the applicant is entitled to receive a patent for the lands described in the location of said warrant, or in said certificate of purchase; but no such certificate shall issue until the warrant, or a certificate from the Register of the United States Land Office, that such warrant or warrants are on file in his office, and the word "surrendered" has been written across the face, or a certificate of purchase upon which the same is to be issued, shall be surrendered to said Register; and the Register of the United States Land Office shall be entitled to receive the sum of three dollars for the issuance of such certificate.

CHAP. CCIII.—*An Act to authorize the Sale of certain Real Estate by Guardians.*

[Approved April 10, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Guardian or Guardians, who shall be hereafter legally appointed, of Adolfo Stokes, Alfredo Stokes, and Edwardo Stokes, minor heirs of the estate of the late Edwardo Stokes, of San Diego County, deceased, is, or are, hereby, authorized and empowered to sell at public or private sale, as shall be deemed most advantageous for the interests of said minors, the whole, or any undivided interest of each one, or all of said minors, in the tracts of land in the county of San Diego, known as the "Rancho of Santa Ysabel," and "Rancho of Santa Maria," and also in a certain lot belonging to the said estate, situate and lying in the city and county of San Diego. Guardian may sell.

SEC. 2. Sections second, third, and fourth, of the act entitled "An Act to authorize the Sale of certain Real Estate by Guardians," approved March twenty-eight, one thousand eight hundred and fifty, are hereby declared to be made applicable to this act, in all matters not herein provided for. Act applicable.

SEC. 3. This act shall go into effect immediately after its passage. To take effect.

CHAP. CCIV.—*An Act to provide for Preparing a Catalogue of the State Library.*

[Approved April 10, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. William C. Stratton is hereby authorized to make, under the supervision of the Secretary of State, a descriptive and classified catalogue of all the books, maps, and charts, in the State Library, to superintend the printing of the same by the State Printer, and to number all the books in the library, and stamp the back of each with the words, "California State Library." To prepare catalogue.

SEC. 2. When the provisions of the first section of this act shall have been complied with, and the Secretary of State shall certify to the same, the Board of Examiners shall audit for, and allow to, the said William C. Stratton the sum of one thousand dollars, for which the Controller shall draw his warrant on the Treasurer. Compensation.

SEC. 3. The sum of one thousand dollars is hereby set apart and appropriated out of any moneys in the General Fund, not otherwise appropriated, for the purpose of paying the warrant or warrants drawn by the Controller under the provisions of this act. Amount appropriated.

Duty of Librarian.

SEC. 4. It shall be the duty of the State Librarian to keep a register of all books, pamphlets, charts, and other property that may hereafter be added to the State Library, and, when the same have been procured by purchase, to enter the price thereof in said register, which said register shall always be open to the inspection of the Directors of the State Library; and it shall be the duty of said Librarian to catalogue, stamp, and number, all additions to said library.

To take effect.

SEC. 5. This act shall take effect upon its passage.

CHAP. CCV.—*An Act to fix the Compensation of the County Judge of Tulare County.*

[Approved April 10, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Salary.

SECTION 1. The County Judge of the county of Tulare shall receive for his services annually the sum of two thousand dollars.

To draw warrant.

SEC. 2. The County Auditor shall, quarterly, on the first judicial days of the months of January, April, July, and October, draw his warrant on the County Treasurer in favor of the County Judge, for such portion of the salary of the County Judge as may be due under the provisions of this act, which warrant shall be paid by the County Treasurer in the same manner as other warrants drawn on the county treasury.

To take effect.

SEC. 3. This act not to take effect until after the expiration of the term of the present incumbent of the office of County Judge.

CHAP. CCVI.—*An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act declaring certain Rivers and Creeks navigable,'" passed February eighteenth, one thousand eight hundred and fifty-one, and to amend an Act amendatory thereto, passed May seventeenth, one thousand eight hundred and fifty-three, passed May fifteenth, one thousand eight hundred and fifty-four.*

[Approved April 10, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section first of said act is hereby amended so as to read as follows:

What declared navigable.

Sec. 1. So much of a slough as lies between Simons' Canal, in the town of Alviso, and the bay of San Francisco; and so much of the Petaluma River as lies between its mouth and the northern boundary of the town of Petaluma, situate on the western

bank of Petaluma Creek; and so much of the Sonoma River as lies between its mouth and a point opposite Fowler's Hotel, in the town of San Luis; and so much of the Napa River as lies between its mouth and the toll-bridge; and so much of the Suisun River as lies between its mouth and the town of Suisun Embarcadero; and so much of the Sacramento River as lies between its mouth and the mouth of Middle Creek; and so much of Feather River as lies between its mouth and the mouth of the Yuba River; and so much of the Yuba River as lies between its mouth and a point at the mouth of the slough, at the foot of A Street, in the city of Marysville; and so much of the San Joaquin River as lies between its mouth and the Tulare Lake; and so much of the Stockton Slough as lies between its mouth and the west line of El Dorado Street, in Stockton; and so much of the Mokelumne River as lies between its mouth and the first falls; and so much of the Tuolumne River as lies between its mouth and Dickinson's Ferry; and so much of Deer Creek as lies between the house of Peter Lassen and its mouth, are hereby declared navigable.

CHAP. CCVII.—*An Act to Ratify and Confirm Order, Number One Hundred and Seventy-Two, of the Board of Supervisors of the City and County of San Francisco.*

[Approved April 12, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

WHEREAS, on the twenty-ninth day of August, one thousand eight hundred and fifty-nine, the Board of Supervisors of the city and county of San Francisco passed an order known as "Order, Number One Hundred and Seventy-Two, amendatory of Order, Number Forty-Six, and repealing Order, Number Sixty-Five and Order, Number Ninety-Two, in relation to the San Francisco City Water Works," which order was duly approved by E. W. Burr, the President of said Board of Supervisors, on the thirtieth day of August, one thousand eight hundred and fifty-nine, of which the following is a copy, to wit: Preamble.

"*Order, Number One Hundred and Seventy-Two, amendatory of Order, Number Forty-Six, and repealing Order, Number Sixty-Five, and Order, Number Ninet-y Two, in relation to the San Francisco City Water Works.*

[Approved San Francisco, August 30, 1859.]

The People of the City and County of San Francisco do ordain as follows:

SECTION 1. Section one of Order, Number Forty-Six, is hereby amended so as to read as follows:

Sec. 1. The San Francisco City Water Works, a company

Act of incorporation

duly incorporated according to the laws of this State, and their successors and assigns, shall be allowed to introduce pure fresh water, for fire, municipal, and other purposes, into the city and county of San Francisco, through any land claimed as belonging to the city and county of San Francisco, and to conduct water from a dam to be constructed near the mouth of 'Lobos Creek,' so called, by means of a suitable aqueduct of sufficient capacity to carry all the water of said stream, commencing at a point near the mouth of said creek, thence following along near the shore of the bay, to some suitable point at North Beach, near the foot of Van Ness Avenue; at or near which point the said company shall build a reservoir of not less than fifty thousand gallons capacity; and the said work shall be forfeited to the city and county of San Francisco if not completed, as specified in this section, on or before the first day of January, one thousand eight hundred and sixty, unless the progress of the work be suspended by law, in which case an additional time shall be allowed to said company equal to the period during which the progress of the work may have been suspended as aforesaid; *provided*, that said company shall use all due diligence in relieving themselves from such legal impediments.

May be forfeited.

SEC. 2. Section two of Order, Number Forty-Six, is hereby amended so as to read as follows:

Requirements of company.

SEC. 2. Said company shall, from the said point at the North Beach, in said city and county, by suitable and sufficient machinery and pumps, elevate the water hereby authorized to be introduced into the said city and county, into a distributing reservoir, constructed at an elevation of not less than one hundred and thirty feet above the base line of the city grade of streets; which reservoir shall be completed on or before the sixth day of August, one thousand eight hundred and sixty, and shall be constructed of brick and cement, or other material of equal strength and durability, and of sufficient capacity to contain not less than six millions of gallons. Also, a third reservoir shall be begun and completed within the same time as the second reservoir, to be constructed at an elevation sufficiently high to supply the inhabitants of west Stockton Street, and not less than two hundred and fifty feet above the base of city grade, and of not less than two millions of gallons capacity; and the said company shall connect with said reservoirs suitable iron pipes, to be by them laid down through the streets and alleys of said city and county, under the direction of the Board of Supervisors, capable of supplying and discharging not less than two millions of gallons of water every twenty-four hours; said pipes laid or unlaid, and said machinery shall not be converted to the distribution of water in said city and county under any contract or company other than the contract contained in this order; the strength of the pipes to be proved by a pressure equivalent to a column of water four hundred feet in hight, the capacity whereof shall be such as are required by the regulations of the Croton Water Works in the city of New York, for like service; *provided*, that a main of not less than sixteen inches in diameter shall be connected to the first-mentioned distributing reservoir, extending with suitable pipes, through such streets as shall be necessary, to Market Street, on or before the sixth day of August, A. D. one

thousand eight hundred and sixty, unless the progress of the work be suspended by law; in which case additional time shall be allowed to said company, equal to the time during which the progress of the work may have been suspended as aforesaid; *provided*, that said pipes shall be so laid down as not to interfere with or obstruct any gas or water pipes of other parties laid down by authority of law; and said company shall, within the time prescribed in this section, be prepared to distribute at least two hundred thousand gallons of water daily, and shall thereafter maintain a surplus, beyond the daily consumption, of at least two millions of gallons, to meet any exigencies that may arise.

SEC. 3. Section five of Order, Number, Forty-Six, is hereby amended so as to read as follows:

Sec. 5. In consideration of, and on condition, that the said San Francisco City Water Works shall pass a resolution, and duly certify the same by the signatures of the President and Secretary of the said San Francisco City Water Works, and under the common seal of said company, to be filed with the Clerk of the Board of Supervisors, within ten days from the passage of this Order, agreeing to pay the said city and county of San Francisco hereafter five per cent. of the gross receipts of the said company under its present charter, or any renewal or extension thereof, and, also, accepting all the provisions of this order, and providing that the said five per cent. upon the gross receipts as aforesaid shall be paid into the treasury on the first days of April, July, October, and January, of each year, commencing on the first day of April, one thousand eight hundred and sixty-one; then, and in that event from the first day of January, one thousand eight hundred and sixty-one, the rates to be charged for the use of water may be established by the Board of Supervisors; and the rates so fixed for the first four years ensuing said date, shall be calculated to produce a gross revenue of twenty-four per centum per annum upon the actual cash capital invested, and thereafter for the term of fifteen years, such rates shall be established as will produce a gross revenue of twenty per centum per annum on the cash capital invested, and after the expiration of said last mentioned term, the rates shall be reduced one per centum per annum, until such reduction shall leave to the company eight per centum per annum net revenue upon the actual cash capital invested—unless the said city and county shall have sooner reimbursed to said company the cost of said works, as provided in sections six and seven. Such rate may, if necessary, be established quarterly during the first year, and yearly thereafter; but in no case shall the provisions of this section be so construed as to guarantee to the said San Francisco City Water Works any part of said revenue.

Conditions.

SEC. 4. Whenever it shall become necessary to stop the flow of water through any of the street mains for more than one hour, it shall be the duty of the said company to notify consumers by giving public notice of at least six hours, of such intended stoppage, in three or more of the daily newspapers.

Notice, etc.

SEC. 5. Section nine of Order, Number Forty-Six, is hereby amended so as to read as follows:

Sec. 9. The books and papers of the San Francisco City Water Works shall at all times be open to the inspection of a committee

Books to be open for inspection.

authorized by the Board of Supervisors, and to the President thereof; and the officers of the said San Francisco City Water Works may be examined, under oath, touching the receipts and expenditures of said company. The books of the company shall show the actual cash expenditures and receipts, and the construction account shall be kept distinct from the cost of operating the said works. And the said company shall render to the Board of Supervisors, semi-annually, commencing on the first day of January, A. D. one thousand eight hundred and sixty, a sworn statement of all moneys invested in the construction of said works.

SEC. 6. Section eleven of Order, Number Forty-Six, is hereby amended so as to read as follows:

To erect fountain.

Sec. 11. The said company shall furnish, at their own expense, for the use of the city and county, a "Marble Fountain," to cost not less than two thousand dollars, and to erect the same upon Portsmouth Square, on or before the first day of January, A. D. one thousand eight hundred and sixty-one, under the direction of the Board of Supervisors, and shall furnish a suitable supply of water for the same free of charge; said fountain to be used on Sundays and on all public occasions, and on such other days as shall not interfere with the supply of water for other purposes. The water, after being used by said fountain, may be conducted by said company to any portion of said city and county, as may be required by said company for their use.

Further conditions.

SEC. 7. This amended order is made upon the express condition and understanding, that all the water brought in any of the pipes or works of said company, shall be applied and used exclusively for the use of said city and county and by its inhabitants, on their agreeing to pay the established rates, so far as they may require and make demand for the same, and that no portion of the water shall be used, rented, sold, or appropriated, for supplying machine power, or for manufacturing purposes, to the detriment of said city and county, or the inhabitants thereof, who shall make demand therefor as aforesaid.

Orders repealed.

SEC. 8. Orders, Numbers Sixty-Five and Ninety-Two, are hereby repealed.

In Board of Supervisors, San Francisco, August twenty-ninth, one thousand eight hundred and fifty-nine, finally passed by unanimous vote.

MILO CALKIN,
Clerk.
E. W. BURR,
President Board of Supervisors."

Order ratified.

Be it therefore enacted, that the said Order, Number One Hundred and Seventy-Two, above named and recited, be, and the same is hereby, ratified and confirmed, and declared legal and valid, according to the terms and conditions therein named.

CHAP. CCVIII.—*An Act for the Payment of Expenses incurred in the Suppression of Indian Hostilities in the County of Mendocino, of this State.*

[Approved April 12, 1860.]

The People of the State of California, represented in Sendte and Assembly, do enact as follows:

SECTION 1. The sum of nine thousand three hundred and forty-seven dollars and thirty-nine cents, is hereby appropriated out of any money in the General Fund, not otherwise appropriated, for the payment of the indebtedness incurred by the expedition against the Indians in the county of Mendocino, organized under the command of Captain W. S. Jarboe, in the year one thousand eight hundred and fifty-nine. Amount appropriated

SEC. 2. The following schedule of pay is hereby established for the officers and men engaged in the expedition, to wit: Schedule of pay.

For pay and allowance of Captain, one hundred dollars per month.

For privates, each, per month, fifty-five dollars.

SEC. 3. The Board of Examiners, created by an act entitled "An Act to create a Board of Examiners, to define their Powers and Duties, and to impose certain Duties upon the Controller and Treasurer," approved April twenty-first, one thousand eight hundred and fifty-eight, are hereby required to audit and allow all legal claims against the State, for services rendered, supplies furnished, and expenses incurred, in the late Indian war in Mendocino County, in the same manner that they are required to audit and allow other claims against the State; and the Controller shall draw his warrants on the Treasurer for such amounts and in favor of such persons, as shall be audited and allowed by said Board, under the provisions of this act. To audit claims.

SEC. 4. Should any surplus of the appropriation made under this act remain, after paying the claims hereby authorized to be paid, it shall be returned to the General Fund. Surplus.

SEC. 5. This act shall take effect from and after its passage. To take effect.

CHAP. CCIX.—*An Act supplementary to an Act entitled "An Act to confer further Powers upon the Board of Edacation and the Auditor and Treasurer of the City and County of San Francisco;" also amendatory of an Act approved April twenty-third, one thousand eight hundred and fifty-eight, entitled "An Act to confer further Powers upon the Board of Supervisors and Auditor and County Treasurer of the City and County of San Francisco, and to authorize them to perform certain Acts therein mentioned," approved March fifteenth, one thousand eight hundred and sixty.*

[Approved April 13, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Bonds to be signed.

SECTION 1. The bonds authorized to be issued by the act entitled as above, shall be signed by the President of the Board of Education and the Superintendent of Common Schools of the city and county of San Francisco, and the coupons attached thereunto, shall be signed by the Superintendent of Common Schools.

SEC. 2. The faith and credit of the city and county of San Francisco are hereby pledged for the redemption of said bonds and the payment of the Interest and Sinking Fund, as provided in said act.

To take effect.

SEC. 3. This act shall take effect from and after its passage.

CHAP. CCX.—*An Act making Appropriation for Deficiency in Appropriation made for Clerk hire in the Attorney-General's Office for the Eleventh Fiscal Year.*

[Approved April 13, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. The sum of five hundred dollars is hereby appropriated out of any money in the General Fund, not otherwise appropriated, for the payment of a deficiency in the appropriation for clerk hire in the office of Attorney-General, for the eleventh fiscal year.

SEC. 2. This act shall take effect from and after its passage.

CHAP. CCXI.—*An Act to amend an Act entitled "An Act to regulate the Estates of Deceased Persons," approved May first, one thousand eight hundred and fifty-one.*

[Approved April 13, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one hundred and fifty of said act is hereby amended so as to read as follows:

Sec. 150. At the term of the court to which the inventory is returned, the Executor or Administrator shall apply for an order to sell the perishable property of the estate, and so much other property as may be necessary to be sold, to pay the allowance made to the family of the deceased. If claims against the estate have been allowed and a sale of property shall be necessary for their payment, or of the expenses of administration, he shall also apply for an order to sell so much of the personal property as shall be necessary. He shall make a similar application, either in vacation or term, giving five days' previous notice in a newspaper, or by the usual public posting, from time to time, so long as any personal property remains in his hands and a sale is necessary to pay any demand against the estate; and, if he deem it for the best interest of the estate, he may, at any time after the filing of the inventory, make an application in like manner, and after giving like notice for an order to sell the whole of the personal property belonging to the estate. Mode of proceeding.

SEC. 2. Section one hundred and fifty-one of said act is hereby amended so as to read as follows:

Sec. 151. If it appear that a sale is necessary, or for the best interest of the estate, the court shall order it to be made. In making such sales, the court shall order such articles as are not necessary for the support and subsistence of the family of the deceased, or are not specifically bequeathed to be first sold. Articles so bequeathed shall not be sold until the residue of the personal estate has been applied to the payment of the debts. May order sale.

CHAP. CCXII.—*An Act to provide for the Conveyance of Mining Claims.*

[Approved April 13, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Conveyances of mining claims may be evidenced by bills of sale or instruments in writing not under seal, signed by the person from whom the estate or interest is intended to pass, in the presence of one or more attesting witnesses; and also all conveyances of mining claims heretofore made by bills of sale or instruments in writing, not under seal, shall have the Sales, how made.

same force and effect as *prima facie* evidence of sale, as if such conveyances had been made by deed under seal; *provided*, that nothing in this act shall be construed to interfere with or repeal any lawful local rules, regulations, or customs, of the mines in the several mining districts of this State; and, *provided* further, every such bill of sale or instrument in writing shall be deemed and held to be fraudulent and void as against all persons except the parties thereto, unless such bill of sale or instrument in writing be accompanied by an immediate delivery to the purchaser of the possession of the mining claim or claims therein described, and be followed by an actual and continued change of the possession thereof, or unless such bill of sale or instrument in writing shall be acknowledged and recorded as required by law in the case of conveyances of real estate.

How fraudulent.

SEC. 2. This act shall apply to gold mining claims only.

To take effect.

SEC. 3. This act shall be in force and take effect from and after its passage.

CHAP. CCXIII.—*An Act to authorize the Guardian of Certain Minors to sell their Real Estate.*

[Approved April 13, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The legally appointed Guardian or Guardians of Emiliana Valencia and Amadeu Valencia, minors, is or are hereby authorized and empowered to sell, at public or private sale, as shall be deemed most advantageous for the interests of said minors, the whole or any individual interest of said minors in any real estate or chattels real, owned or claimed, by said minors.

Authorized to sell.

SEC. 2. The said Guardian or Guardians shall make a full report of any and all such sales as shall be made by him or them to the Probate Court of the county in which said minors reside; and the Judge of said court, either in term time or in vacation, shall examine the same and confirm or set aside the said sale or sales, as he may deem just and proper and for the interests of said minors; and the Guardian or Guardians is or are hereby authorized, upon the confirmation of any such sale or sales, as hereinbefore provided, and upon the compliance on the part of the purchaser with the terms of such sale, to execute, acknowledge, and deliver, to said purchaser, a conveyance of the land so sold, which shall absolutely and forever convey to, and vest in, the grantee, all the right, title, interest, claim, demand, reversion, and remainder, legal and equitable, of the aforesaid minors, in and to the property described in said deed of conveyance; *provided*, however, that no deed of conveyance for said real estate shall be valid, unless the sale shall have been confirmed by the Probate Judge aforesaid previous to the execution of said deed of conveyance; and, *provided* further, however, that no such sale or sales shall be approved by said Probate Judge until said Guardian shall have filed in said court a bond, with sufficient sure-

To make full report.

ties, to the satisfaction of said Judge, in double the amount received for the sale of said real estate, conditioned for the faithful custody and disposition of the funds produced from said sale or sales for the benefit of said minors; and, *provided*, also, that the sureties on said bond or bonds shall justify as in cases of bonds given under the Civil Practice [Act] of this State.

SEC. 3. This act shall take effect from and after its passage. To take effect.

CHAP. CCXIV.—*An Act amendatory of an Act entitled "An Act to provide for the Appointment and prescribe the Duties of Guardians," passed April nineteenth, one thousand eight hundred and fifty.*

[Approved April 13, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-one of said act is hereby amended so as to read as follows:

Sec. 21. When it shall appear to the satisfaction of the court, upon the petition of the Guardian, that it would be for the benefit of his ward, that his real or personal estate or any part thereof should be sold, and the proceeds thereof put out on interest or invested in some productive stock, his Guardian may sell the same for that purpose, upon obtaining an order therefor and proceeding therein, as hereinafter provided. Authorized to sell.

CHAP. CCXV.—*An Act supplemental to an Act entitled "An Act to authorize the Sale of certain Real Estate by Guardians," approved March twenty-eighth, one thousand eight hundred and fifty-nine.*

[Approved April 13, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sec. 5. The Guardian or Guardians of said miners, as aforesaid, may consent to partitions of the lands owned by said minors, or each of them as tenants in common with one another, or any person or persons whatsoever, and may consent to exchanges of lands, adjustments, and compromises of conflicting claims, upon the estate of said juniors, and may execute all necessary conveyances or releases to carry said purposes into effect. Power of Guardians.

SEC. 2. Sec. 6. No deed of partition, exchange, or of adjustment or compromise, as aforesaid, shall be executed by said Guardian or Guardians, until the sanction of the Probate Judge of the county of Solano is obtained to the same, on petition first presented to him for that purpose, and the order of said Judge Judge to sanction.

directing said conveyance shall be referred to therein, and a copy of said order recorded in the Recorder's office of said county.

CHAP. CCXVI.—*An Act to authorize José de Jesus Pico to sell cercertain Land in San Luis Obispo County, belonging to his Infant Children.*

[Approved April 13, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. José de Jesus Pico, as Guardian now or hereafter to be appointed, of his infant children hereinafter mentioned, is hereby authorized to sell at public or private sale, a certain tract of land, partly owned by, and belonging to, Frederica Pico, Tenovio Pico, Tomasa Pico, Isabel Pico, Virginia Pico, and José Pico, situated on the bay of San Simeon, in the county of San Luis Obispo, containing from three to four square leagues, more or less, and bounded on the south by the Arroyo del Pinalito, on the east by the summit of the mountains, on the north by the Arroyo del Puerto, and on the west by the sea, and being the southern portion of the Rancho de la Piedra Blanca.

Authorized to sell.

May subdivide lands, etc.

SEC. 2. The said José de Jesus Pico is authorized to subdivide said land into small portions, and to sell the same in such parcels and quantities, for cash or credit, as in his judgment will best promote the interests of his said minor children; and the said Pico shall make his deed or deeds of conveyance of all lands thus sold, which deed or deeds shall convey all the right, title, and interest, of said minors in said lands, to the purchaser or purchasers; *provided*, however, that no sale of said real estate shall be made until after the said José de Jesus Pico has filed in the Probate Court bonds satisfactory to the Probate Judge, conditioned that the funds arising from the sale or sales, shall be exclusively and entirely appropriated and used for the maintenance and education of said minor children, or invested for their benefit under the order of the Probate Court; and, *provided* further, that no deed or conveyance for the said real estate or any part thereof, shall be valid or convey any title, unless the sale shall have been confirmed by the Probate Court previous to the execution of such deed or conveyance.

CHAP. CCXVII.—*An Act concerning certain Acknowledgments of Deeds and other Instruments in writing, affecting Real Estate.*

[Approved April 13, 1860.]

The People of the State California, represented in Senate and Assembly, do enact as follows:

SECTION 1. When the certificate of acknowledgment or proof of any deed, or other instrument in writing, whereby the title of any real estate situated within this State is, or may be in any manner affected, heretofore executed in good faith by husband and wife, or any other person of lawful age, and acknowledged or proved before any officer authorized by law to take the acknowledgment and proofs of deeds, shall be defective by reason of not setting forth any or all of the particulars of such acknowledgment or proof as required by law, it shall be competent for any person claiming title under or through such deed or instrument of writing, to apply to the County Judge of the county in which the real estate affected thereby may be situated, to have such certificate corrected as hereinafter prescribed. Manner of correcting certificate.

SEC. 2. Such application shall be made by a petition stating the facts of the case, and verified by the person making the same, or some other person on the petitioner's behalf. Application.

SEC. 3. On receiving such petition the Judge shall, by order, cause reasonable notice of the receiving of such application to be given to the party or parties, by whom such instrument was executed. If such parties reside in the county, such notice shall be of at least ten days; if without the county and within the State, twenty days; and if without the State, by publication in such newspaper and for such time as the Judge shall prescribe, not less than sixty days; and, also, where the residence of such parties are known, by inclosing a notice in a letter directed to them at their place of residence, depositing the same in a post-office, and paying the postage thereon. Notice to be given.

SEC. 4. At the time specified in such notice, or at any future time to which said hearing may be adjourned, the Judge, upon due proof being made for the service or publication of the notice as hereinbefore provided, shall proceed to take such proofs as may be offered concerning the matter set forth in the petition; and if it shall satisfactorily appear to the Judge that the acknowledgment or proof of such instrument was made in due form and before an officer at the time qualified by law to take the same, the Judge shall make an order directing the certificate to be amended accordingly. Judge to take testimony.

SEC. 5. Said order shall be indorsed upon, or annexed to, the original deed or certified copy thereof, if the original be lost, and the same shall thereupon be entitled to be recorded, and from the time of such record shall have the same validity, and the record thereof shall impart notice to third parties to the same extent; and such deeds and certified copies of the record thereof shall be evidence in the same cases as if such instrument had originally been, in all respects, properly acknowledged or proved. In case original order is lost

SEC. 6. The party or parties making such application, shall

Liberty to file notice.

be at liberty at the time of exhibiting such petition to the County Judge, or at any time afterward, to file a notice thereof, containing the description of the premises affected by the proceedings, in the office of the County Recorder of the county in which the said premises are situated, and such notice shall, from the time of filing the same, have the same force and effect as a notice of *lispendens*, filed in a suit or action at law in the courts of this State.

Powers of Judge.

SEC. 7. It shall be competent for the County Judge to issue subpenas, and compel the attendance of witnesses, and require them to testify in the same manner and to the same extent in all respects, as in cases pending in the County Court.

CHAP. CCXVIII.—*An Act to Legalize the Duplicate Assessment List of Los Angeles County.*

[Approved April 13, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Tax Collector of the county of Los Angeles, shall indorse upon the tax list used in the collection of taxes of said State and county for the year one thousand eight hundred and fifty-nine, his certificate that it is the tax list used for the collection of taxes in one thousand eight hundred and fifty-nine, and thereupon the same is legalized as, and hereby is declared to be, the legal duplicate assessment list of said county, notwithstanding any defect in the manner and mode of assessment, equalization proceedings previous to the date of his certificate aforesaid; *provided*, that all payments of taxes heretofore made thereupon, shall be held valid and good.

Tax list legalized.

SEC. 2. Upon the thirtieth day after the passage of this act the Tax Collector shall make out a list of all persons and property then owing taxes, which list shall be called the delinquent list of one thousand eight hundred and fifty-nine; and thereupon all persons delinquent shall be subject to the payment of the per centage and costs now provided by general law against delinquent tax payers.

Delinquent list.

SEC. 3. The Tax Collector shall immediately publish said delinquent list, and shall in all particulars proceed thereon in the manner now prescribed by law; and all his actings and doings, sales, certificates, and deeds, shall have leave the effect and force as if had, done, made, and executed, under the provisions of the general revenue laws of this State, which are hereby declared applicable to his proceedings under this act, upon every matter not herein provided for.

Force and effect.

SEC. 4. This act shall go into effect immediately after its passage.

CHAP. CCXIX.—*An Act to Appropriate Money for the Payment of small Accounts due from the Insane Asylum.*

[Approved April 13, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of six hundred and thirty-five dollars and ninety-six cents is hereby appropriated to pay sundry small accounts due from the Insane Asylum to sundry persons. Amount appropriated.

SEC. 2. The Board of Trustees together with the Resident Physician, shall meet and examine the books of the asylum together with the accounts, and certify to the Controller of State the amount for which a warrant shall be issued to the Treasurer of the asylum, who shall pay the following amounts, if found to be correct, to the following persons, to wit: Warrants in favor of.

To James Anthony, thirty-three dollars and seventy-five cents.
El Dorado Stable, four dollars.
John Minger, three dollars.
Mrs. Lilly & Son, thirteen dollars.
Lot Day, seven dollars.
J. W. Whitney, sixty dollars and twenty-eight cents.
Hart & Derrick, eleven dollars and twenty-five cents.
E. E. Kenney, seven dollars.
M. A. Eavans, twenty-eight dollars.
W. Hammond, twenty-one dollars and twenty-five cents.
Steamer Cornelia, seventeen dollars.
Steamer Urilda, seventeen dollars.
C. O. Burton, twenty-three dollars and fifty-eight cents.
W. B. Clark, ten dollars.
Teskey & Choate, fifty-nine dollars and fifty cents.
Timothy Slevin, fifteen dollars.
William Lord, fifteen dollars.
Gray & Hickman, sixty-three dollars and eighty-seven cents.
Stockton Livery Stable, twenty-two dollars and fifty cents.
Coneley & Patrick, fourteen dollars.
Stockton Post-Office, twenty-one dollars.
Thomas Slade, five dollars.
J. R. Ray, seven dollars and twenty-eight cents.
Mr. Wagner, two dollars and fifty cents.
Maria Brady, twenty-three dollars and thirty-four cents.
S. H. Debnam, ten dollars and fifty cents.
Stockton Foundry, thirty dollars.
San Francisco Herald, fifteen dollars.
W. P. Sham, five dollars.
Joseph Hale, eleven dollars and ninety-six cents.
Johnson & Reay, sixty-six dollars.
C. Vincent, five dollars.
J. M. Thorn, fourteen dollars and fifty cents.
N. C. Culver, two dollars and seventy-five cents.
D. D. Killisher, five dollars.
Duncan and Beaumont, six dollars and sixty-seven cents.
H. K. Eastmam, sixteen dollars.

SEC. 3. The provisions of "An Act for the better Protection of

the Treasury," passed April twenty-first, one thousand eight hundred and fifty-eight, shall not apply to this act.

To take effect.

SEC. 4. This act shall take effect from and after its passage.

CHAP. CCXX.—*An Act to create a Board of Water Commissioners in the County of Merced, and define their Duties.*

[Approved April 13, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors in the county of Merced are hereby constituted a Board [of] Water Commissioners.

SEC. 2. The duties of the Commissioners shall be:

Duties of Commissioners.

First—To regulate the water ditches used for irrigating and milling purposes in said county.

Second—Upon the petition of any person or persons interested, they shall lay out or cause to be laid out, by the appointment of an Overseer, any ditch to be used for the purposes aforesaid, and where the water is to be used by more than one person, to apportion the same according to the amount of labor or capital invested.

Compensation.

SEC. 3. The Commissioners and Overseers shall be allowed and receive four dollars per day for each and every day engaged in laying out any water ditch in the county, which shall be paid by the party or parties for whose benefit the same is laid out.

Exemption.

SEC. 4. When water rises on land owned by any person, it shall not be subject to the provisions of this act; but in all cases after it has passed beyond the limits of said lands, it may be used as provided in this act.

SEC. 5. In all cases the Commissioners shall have the right of way to lay out and cut ditches through their county.

Obstructions, etc.

SEC. 6. Any person using the water when it is not his right so to do, and when it belongs below him, and any person obstructing the water of any ditch, either by dam or otherwise, or who shall throw, or cause to be thrown, any filth into any such water ditch, shall be deemed guilty of misdemeanor, and, upon conviction thereof, be fined in any sum not more than twenty dollars for the first offense, and fifty dollars for every subsequent offense of like nature, recoverable at the suit of the owner or owners of such ditch, before any Justice of the Peace of the township, to be appropriated to the payment of Commissioners' and Overseers' services, or repairing said ditch.

Penalty.

Damages.

SEC. 7. In case any persons or person shall be damaged by the breaking of any ditch, the parties using such ditch shall be liable for all such damages.

SEC. 8. No persons or person shall direct the waters of any river, creek, or stream, from its natural channel, to the detriment of any person or persons using said waters below, on any such river, creek, or stream.

SEC. 9. Any person or persons, who, under this act, shall con-

duct water by ditch or otherwise across private land or lands, and such person or persons cannot agree with the owner of said lands as to the amount of damages to be paid him therefor, the said person or persons so conducting water shall petition the County Court of the county in which the land may be situated, briefly setting forth the facts of such disagreement, and praying the court to appoint three Commissioners to assess the damages arising from the taking of such right of way; and such court shall, thereupon, appoint three disinterested persons, who shall have power to proceed to such premises, and to determine all questions of damages to such land, arising from such taking; to take testimony, and to award the amount of damages to the person or persons entitled thereto, and for this purpose said Commissioners shall have power to administer oaths. The Commissioners shall make their report to the court, and the same shall be affirmed or set aside, for cause shown; and if set aside, a new commission shall be appointed, who shall proceed in like manner; and as soon as such award shall be affirmed, it shall have the effect of a judgment, and execution may issue thereupon by the Clerk of the court.

Commissioners to assess damages.

SEC. 10. This act shall take effect from and after its passage.

To take effect.

CHAP. CCXXI.—*An Act for the Relief of certain parties therein named.*

[Approved April 18, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Controller of State is hereby authorized and required to draw his warrant on the Treasurer, in favor of Mary Harrison, for the sum of one hundred and forty-three dollars and thirty-four cents, in payment of her services rendered at the State Insane Asylum during the months of March, April, and May, A. D. one thousand eight hundred and fifty-eight, and the said sum is hereby appropriated to pay the same out of any unappropriated money in the State treasury.

To draw warrant

SEC. 2. The sum of eighty-six dollars and seventy-two cents is hereby appropriated for the purpose of paying Marpe & Lawson for supplies furnished State Insane Asylum in the year one thousand eight hundred and fifty-eight, and the Controller of State is hereby authorized to draw his warrant on the Treasurer for the same, and the Treasurer is directed to pay out of any money in the treasury not otherwise appropriated.

Amount appropriated.

CHAP CCXXII.—*An Act to Define and Establish a portion of the Eastern Boundary of the State of California.*

[Approved April 13, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Duty of Surveyor-General.

SECTION 1. The Surveyor-General of this State is hereby authorized and empowered to define and establish, by astronomical observation and lineal survey, that portion of the eastern boundary of this State, extending from the Monte Diablo base line, as established by the United States Surveyor-General, to the Oregon line, at the intersection of the forty-second parallel of latitude with the one hundred and twentieth degree of longitude west from Greenwich.

To employ assistance.

SEC. 2. The Surveyor-General is hereby empowered to employ such assistance, and purchase such material and equipage, as may be necessary to carry out the provisions of this act; *provided*, that the expense of the same shall not exceed the sum of fifteen thousand dollars. The Surveyor-General shall certify to the Board of Examiners the correctness of all accounts for assistance rendered, and all materials, equipage, and instruments, furnished to him to carry out the provisions of this act, and on presentation of the order of the Board of Examiners to the Controller of State, he is hereby authorized to draw his warrant or warrants on the fund herein created, in favor of such party or parties by whom such assistance was rendered, or materials, equipage, and instruments, were furnished.

To make astronomical obeervations, etc.

SEC. 3. It shall be the duty of the Surveyor-General, under the provisions of this act, to make such astronomical observations, run such lines, and establish such permanent monuments, as may be found necessary and practicable, upon that portion of the eastern boundary of this State mentioned and described in section first of this act; and it shall also be the duty of the said Surveyor-General to report at length to the Legislature of one thousand eight hundred and sixty-one; *provided*, however, that all that portion of said boundary line which is between the latitude of forty-one and thirty-eight degrees north, shall be first surveyed and established, and the survey shall commence at the intersection of the parallel of latitude thirty-nine degrees north with the one hundred and twentieth degree of longitude west from Greenwich.

Appropriation.

SEC. 4. The sum of five thousand dollars, appropriated by an act of the Legislature, approved April eighteenth one thousand eight hundred and fifty-nine, entitled "An Act to authorize the Governor of the State of California, in conjunction with the United States, to run and mark the Boundary Line between the Territories of the United States and the State of California," is hereby appropriated for the purpose of carrying out the provisions of this act; and the further sum of ten thousand dollars is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, for the same purpose, and the Controller of State is hereby authorized and required to draw his

warrant or warrants accordingly, upon the demand or order of the Surveyor-General, for the sum of one thousand dollars.

Legal boundary.

SEC 5. The record of the boundary line as established by the Surveyor-General under the provisions of this act, shall be recognized and admitted in all the courts of this State as conclusive evidence that such line is the true eastern boundary of this State.

Plats of, how to be made out.

SEC. 6. The Surveyor-General shall cause twelve copies of such survey, with the plats or maps accompanying the same, to be made out, and shall attach his certificate to each of said copies, setting forth that such survey and the plat or map accompanying the same, is a correct and true copy of the original survey made by him, one copy of which shall be deposited in the office of the Secretary of State, and one copy with each of the County Recorders of the several counties of this State bordering immediately on the eastern boundary line of this State; and said line when thus defined and settled, shall thereafter be regarded and confirmed the legally established eastern boundary line of the State of California.

When duties commence.

SEC. 7. The said Surveyor-General shall enter upon the discharge of the duties enjoined by the provisions of this act on or before the first day of July, A. D. one thousand eight hundred and sixty, and shall complete said survey as soon as practicable thereafter, and shall within sixty days after the completion of the same make out the said copies of the said survey and the plats or maps accompanying the same, and file them with the parties, as required by section five of this act; and shall, at the meeting of the Legislature of the State of California for the year one thousand eight hundred and sixty-one, make a report to that body, the manner in which he has performed the duties required of him by the provisions of this act, and, also, the actual cost of making said survey.

Stores on hand, etc.

SEC. 8. All stores, instruments, outfit, and equipage, remaining on hand at the completion of said survey, shall be sold by said Surveyor-General, and the proceeds thereof paid into the State treasury; and any moneys drawn from the treasury and remaining unexpended shall be paid into the General Fund, upon the completion of the survey.

Acts repealed.

SEC. 9. An act entitled "An Act to authorize the Governor of the State of California, in conjunction with the United States, to run and mark the Boundary Lines between the Territories of the United States and the State of California," approved April eighteenth, one thousand eight hundred and fifty-nine, is hereby repealed.

SEC. 10. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

To take effect.

SEC. 11. This act shall be in force and take effect from and after its passage.

CHAP. CCXXIII.—*An Act to prohibit the sale and disposal of Adulterated Spiritous or Alcoholic Liquors, Wines, or Cider.*

[Approved April 14, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Persons mixing any poisonous compound.

SECTION 1. Any person or persons who shall, after the passage of this act, incorporate or intermix any drug or poisonous compound, or any other thing deleterious to health, with any alcoholic or spiritous liquor, wine, beer or cider, or any liquid used as a beverage, or who shall cause or procure the same to be done, or who shall import, sell, or dispose of, in any way, or give for use any alcoholic or spiritous liquor, wine, beer, or cider, or other liquid used as a beverage, knowing the same to have been adulterated, mixed, or compounded, as aforesaid, or who shall sell, give, or dispose, of any recipe for the adulteration, compounding, or incorporation, of any drug or poisonous compound, or other thing deleterious to health, with any alcoholic or spiritous liquor, wine, beer, or cider, or other liquor or beverage, shall, upon conviction thereof, before any court of competent jurisdiction, be fined, for each offense, in any sum not less than twenty-five dollars, nor more than five hundred dollars, to which shall be added the same fees and costs as are taxed and allowed in other criminal cases.

Penalty.

SEC. 2. Upon affidavit being made before any Justice of the Peace that the party making such affidavit, has reason to believe that adulterated alcoholic or spiritous liquors, wines, cider, beer, or other liquid used as a beverage, are being imported, manufactured, or sold, as described in the first section of this act, an order shall be issued authorizing the seizure by any officer or by the State Gager, and it is hereby made their duty to seize any amount, not exceeding one gallon of the liquor or other liquid, as aforesaid, for the purpose of testing the same, and the testimony of any competent chemist or examiner shall be received in any trial arising under the provisions of this act.

Gager to seize.

Persons convicted not allowed, etc.

SEC. 3. No person or persons convicted under this act shall ever be permitted again to import, sell, or dispose, of any alcoholic or spiritous liquors, wines, cider, beer, or other liquid, used as a beverage in this State; and no license to carry on such business shall ever be issued to such convicted party or parties.

Imprisonment.

SEC. 4. In every judgment of conviction under section one of this act, it shall be made a part of the judgment that, in case default be made in the payment of the judgment and costs, the defendant, or person or persons convicted by such judgment, shall be imprisoned in the common jail of the county for any number of days, at the rate of one day for every two dollars of the judgment and costs, not, however, exceeding in all six months.

Fines.

SEC. 5. All sums of money collected under judgments for violations of the provisions of this act, shall be collected as other judgments in criminal cases are now collected, and shall be paid into the county treasury of the county where such judgment

was obtained, and shall be set apart to, and for the use of, the Common School Fund of such county.

SEC. 6. Nothing contained in this act shall apply to the compounding of drugs with alcoholic or spiritous liquors or wines by any regularly educated physician or druggist, when the same is done for medicinal purposes; but this section shall not be construed to allow the employment of any physician or druggist for the purpose of preparing such compounded preparation for use as a common beverage. Exemption.

CHAP. CCXXIV.—*An Act granting further Powers to the Board of Supervisors of Amador County.*

[Approved April 14, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the county of Amador are hereby authorized to cause to be erected guide-boards at such points in said county as the public convenience may require; and to audit and allow the bills of charges necessary for the erection of the same. To erect guide-boards

SEC. 2. This act shall take effect from and after its passage. To take effect.

CHAP. CCXXV.—*An Act making an Appropriation for deficiency in the Appropriation made for Salary of Controller of State, for the Eleventh Fiscal Year ending June thirtieth, one thousand eight hundred and sixty.*

[Approved April 14, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of six hundred and eighty-two dollars is hereby appropriated out of any money in the General Fund not otherwise appropriated, for the payment of a deficiency in the salary of the Controller of State for the eleventh fiscal year end- June thirtieth, one thousand eight hundred and sixty. Amount appropriated.

CHAP. CCXXVI.—*An Act to authorize certain Parties therein named to Construct a Dam across the Guadalupe River in Santa Clara County.*

[Approved April 14, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. George S. Adams, Robert Hutchinson, Charles C. Reed, Harvey Wade, Solon S. Simons, Charles Thorn, and their associates, are hereby authorized to construct and maintain a dam in and across the Gaudalupe River, in Santa Clary County, at a point within three hundred yards of a canal, in the town of Alviso, constructed by said Simons.

Authorized to construct.

SEC. 2. Said dam may be of sufficient hight to divert the waters of said river into said canal; *provided*, that said parties shall cause to be constructed such levees as may be necessary to prevent the waters of said river from overflowing the banks thereof above said dam, and said parties shall be held liable in damages to any person who may sustain any injury by reason of the construction of said dam.

Conditions.

SEC. 3. Said parties herein named, shall have the right to use the lands adjacent to said dam for the purpose of constructing the same, and shall have the right to avail themselves of the provisions of the railroad laws of this State, for the purpose of condemning and purchasing said lands for said purpose.

Rights, etc.

CHAP. CCXXVII.—*An Act to amend an Act entitled "An Act to Incorporate the City of Placerville," approved March seventh, one thousand eight hundred and fifty-nine.*

[Approved April 14, 1860.]

The People of the State of California, represented in Senate anp Assembly, do enact as follows:

SECTION 1. Section four of "An Act to Incorporate the City of Placerville," approved March seventh, one thousand eight hundred and fifty-nine, is hereby amended so as to read as follows:

Officers and salaries.

SEC. 4. The officers of the city of Placerville shall be one Mayor, six Aldermen, one Treasurer, whose salary shall not exceed twenty dollars per month; one Assessor, who shall be *ex officio* Clerk, which offices are hereby united into one office, whose salary shall not exceed thirty-five dollars per month; one Marshal, who shall be *ex officio* Collector and Superintendent of Streets, and which offices are hereby united into one office, whose salary shall not exceed one hundred and twenty dollars per month; one Attorney, whose pay shall not exceed three hundred dollars per year; and such other officers as are hereinafter authorized to be appointed.

SEC. 2. Section fifth of said act is hereby amended so as to read as follows:

Sec. 5. The Mayor, Assessor and *ex officio* Clerk, Marshal and *ex officio* Collector and Superintendent of Streets, shall be elected by the qualified voters of said city, and shall hold their offices for the term of one year, and until their successors are elected and qualified. Term of office.

SEC. 3. The seventh, twelfth, and twenty-[second], paragraphs, of section twenty-third of said act, is hereby amended so as to read as follows:

Sec. 23. *Seventh*—To create and establish a City Police, whose number shall not exceed two persons, and whose individual pay shall not exceed seventy-five dollars per month, and provide for the regulation and government of the same.

Twelfth—To fix and collect a license tax upon all professions, trades, or business, not heretofore specified, having regard to the amount of business done by each person or firm thus licensed; *provided*, that no person or firm thus licensed, engaged in any trade whatever, shall pay a license tax for the pursuance thereof; nor shall any license tax be collected of any vegetable, fruit, butter, eggs, fish, or game, peddlers, within the city limits; *provided* further, that a broker's or banker's city license shall empower the holder to purchase gold dust, State, county, and city, bonds, warrants, scrip, land warrants, and attend to all such other business as pertains to bankers and brokers in general.

Twenty-Second—To fix and establish the fees, salaries, and compensation, of all city officers, except Mayor and Aldermen, and those herein provided for, and provide the manner and mode of payment. The Mayor and Aldermen shall not receive any fee, salary, or compensation, for the performance of their duties.

SEC. 4. Section thirty-eight of said act is hereby amended so as to read as follows:

Sec. 38. The Justices of the Peace for the city and township of Placerville, shall have exclusive jurisdiction of all violations of any city ordinance, and may hold to bail, fine, or commit to prison, any offender, in accordance with the provisions of such ordinance, of all cases of misdemeanor and willful injury to property, committed within the city limits, punishable by fine not exceeding five hundred dollars, and imprisonment not exceeding six months, or by both such fine and imprisonment; also, of all cases of assault and battery committed within the city limits, not charged to have been committed on a public officer in the discharge of his duties, or with intent to commit murder. They shall exercise all the powers and jurisdiction pertaining to Justices of the Peace in regard to offenses committed within the city limits, and may administer all oaths and affirmations known to the law. The said Justices of the Peace shall have such further jurisdiction as is by general statute conferred upon Recorders' courts, and the proceedings therein shall be such as are provided by law for proceedings in Justices', Recorders', and Mayors', courts. Whenever sentence of imprisonment is passed upon any offender, the Justices of the Peace may include in such sentence that such offender shall be subject to labor, under the charge, and in the custody of the City Marshal; *provided*, any provisions shall have been made by ordinance for carrying such sentence into effect. They may, also, in any suit, prosecution, Jurisdiction of Justices.

or proceeding, before them, tax the costs thereof against the person convicted.

SEC. 5. So much of the act entitled "An Act to Incorporate the City of Placerville," approved March seventh, one thousand eight hundred and fifty-nine, as is inconsistent with the provisions of this act, is hereby repealed.

To take effect.

SEC. 6. This act shall take effect on and after the first day of June, one thousand eight hundred and sixty.

CHAP. CCXXVIII.—*An Act to provide for the Payment of Certain Claims against the City of Sacramento by a Duplicate Issue of Certain Bonds of said City.*

[Approved April 18, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. For the purpose of liquidating, funding, and paying, the following claims against the city of Sacramento, viz: Of the Funded Loan Bonds—

[Bond], Number Nine Hundred and Twenty-Three, for five hundred dollars.

Bond, Number Nine Hundred and Twenty-Four, for five hundred dollars.

Bond, Number Nine Hundred and Twenty-Five, for five hundred dollars.

Bond, Number Nine Hundred and Twenty-Six, for three hundred [and] thirty-one dollars and nineteen cents.

Bond, Number Nine Hundred and Fifty-Eight, for one thousand dollars.

Bond, Number Nine Hundred and Fifty-Seven, for one thousand dollars.

Bond, Number Nine Hundred and Sixty, for one thousand dollars.

Bond, Number Nine Hundred and Fifty-Nine, for nine hundred [and] ten dollars and eighty-eight cents.

Bond, Number Nine Hundred and Sixty-One, for one thousand dollars.

Bond, Number Nine Hundred and Sixty-Two, for five hundred [and] thirty-three dollars and seven cents—

Issue of new bonds.

With the interest due thereon—Bonds shall be issued of the city of Sacramento, bearing interest at the rate of six per cent. per annum from the date of the passage of this act, and payable at the office of the Treasurer; said bonds shall be payable on the first day of February, one thousand nine hundred and three. The interest on said bonds shall be payable at the office of the Treasurer on the first day of January of each year. Said bonds shall be signed by the President of the Board of Supervisors, countersigned by the Clerk of the Board of Supervisors, and indorsed by the Treasurer, and shall have the seal of the city and county affixed thereto. Coupons for the interest shall be at-

tached to each bond, so that they may be removed without injury to the bond. Said coupons, consecutively numbered, shall be signed by the Treasurer.

SEC. 2. The same blank bonds that were prepared for the city indebtedness, and are still in existence, may be used for the purpose provided for in the foregoing section. The principal and annual interest on said bonds shall be paid out of the Sinking and Interest Fund, as provided in section thirty-six of an act to repeal an act, passed March twenty-sixth, one thousand eight hundred and fifty, and entitled "An Act to Incorporate the City of Sacramento, and the several acts amendatory and supplementary thereto, and to Incorporate the City and County of Sacramento," approved April twenty-fourth, one thousand eight hundred and fifty-eight, and in the manner otherwise provided in said act so far as the same is applicable, shall be extended to bonds herein provided for. Principal and interest

SEC. 3. It is further provided, that the amount to be funded on said claims shall be the amount now due on said claims less the interest that would have been paid on them had they been funded at the same time as the claims provided for in section thirty-eight of an act to repeal the act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled "An Act to Incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to Incorporate the City and County of Sacramento," approved April twenty-fourth, one thousand eight hundred and fifty-eight; and the Treasurer of the city and county of Sacramento is hereby authorized and directed to pay to the holder or holders of said bonds, immediately upon the passage of this act, out of the Interest Fund provided in said act, the same amount of interest that would have been paid had said claims been so funded. Interest to be paid.

SEC. 4 This act shall be in force from and after its passage. To take effect.

CHAP. CCXXIX.—*An Act to regulate the Care and Maintenance of the Indigent Sick in and for the County of Yuba.*

[Approved April 18, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It is hereby made the duty of the Board of Supervisors of the county of Yuba, to provide for the care and maintenance of the indigent sick of Yuba County, as in this act provided, and not otherwise. Duty of Board.

SEC. 2. The Board of Supervisors shall keep and furnish, when needed, sufficient buildings and grounds for a county hospital.

SEC. 3. Said Board of Supervisors shall appoint a practicing Physician, who shall be a graduate of some legally incorporated medical college, and whose duty it shall be to attend to the indigent sick of said county, and render all the medical aid and Shall appoint Physician.

treatment to such indigent sick that may be required. Such Physician shall receive a salary not exceeding the sum of two thousand dollars a year, to be paid, quarterly, in cash, from the Hospital Fund of Yuba County.

How styled. SEC. 4. The Physician so appointed shall be styled the Hospital Physician of Yuba County, and shall hold his position under such appointment for the term of two years, subject however to be removed at any time, by an order of the Board of Supervisors made therefor; and in case of such removal, he shall only draw his *pro rata* of such salary for the time he has held such position of Physician; *provided*, no such removal shall take place unless said Hospital Physician shall have been guilty of some misconduct, or neglect of duty; in which case he shall be furnished by the Board of Supervisors, at least three days before the hearing, with written specifications of the charges made against him, and he shall have the right to appear before the Board and contest such charges.

Duty of. SEC. 5. It shall be the duty of such Hospital Physician, under the provisions, orders, and directions, of the Board of Supervisors made therefor, to pass upon all applications for admittance to the Hospital of said county, and to give his certificate of admittance thereto, in all proper cases. It shall also be his duty to report to the Hospital Warden, hereinafter provided for, all persons whose condition of health warrants their discharge from such Hospital.

To appoint Hospital Warden. SEC. 6. It shall be the duty of said Board of Supervisors to appoint some competent person of age and experience, and having a wife and family, as Hospital Warden, who shall hold such position for the term of two years, under such appointment, subject to removal therefrom by said Board of Supervisors, at any time, by an order made therefor; that the salary of such Warden shall not exceed one thousand dollars a year, besides the board of himself and three members of his family, which salary shall be paid, quarterly, in cash, out of the Hospital Fund of said county; and in case of a removal from such position, he shall draw pay only for the time for which he may have held such position of Warden; *provided*, no such removal shall take place unless said Hospital Warden shall have been guilty of some misconduct or neglect of duty; in which case he shall be furnished by the Board of Supervisors, at least three days before the hearing, with written specifications of the charges made against him; and he shall have the right to appear before the Board and contest such charges.

Duty of. SEC. 7. It shall be the duty of such Warden to remove into said hospital, with his wife and the members of his family, to be boarded, and there reside, and take charge of the same, the grounds thereto attached, and the indigent sick therein kept, and superintend and take charge of the care and management of such hospital, under and in pursuance of the orders and directions of said Board of Supervisors, and the medical advice and direction of such Physician; and it shall be the duty of such Warden to receive all persons into said hospital having a certificate therefor from the Hospital Physician, and to discharge all persons therefrom whom such Physician may direct.

SEC. 8. It shall be the duty of the Hospital Physician to keep

a book, which shall be furnished to him by the Board of Supervisors, to be by him handed over to his successor in office, wherein he shall enter the names of all persons applying for admittance to said hospital, their ages, the nature of their disease, or character of their sickness, the place of residence, and number of deaths, with the dates of such application, stating whether granted or rejected, and the date of all certificates of admittance, together with the names of all persons ordered by him to be discharged with the dates of such order, which book shall always be subject to the inspection of the Board of Supervisors, the grand jury, and the officers of the county of Yuba.

Application, etc. to be entered in book.

SEC. 9. It shall be the duty of the Hospital Warden to keep a book, which shall be furnished to him by the Board of Supervisors, to be by him handed over to his successor in office, wherein he shall enter the names and dates of all persons received into said hospital and discharged therefrom, which book shall always be subject to the inspection of the Board of Supervisors, the grand jury, and county officers, of Yuba County.

SEC. 10. It shall be the duty of the Board of Supervisors to advertise ten days in the county official press for bids, and to contract with the lowest bidder for the furnishing of all medicines for the use of said hospital.

Further duties of Supervisors.

SEC. 11. It shall be the duty of the Board of Supervisors to provide food and other necessaries for the support and comfort of the indigent sick, and provide the necessary help to aid the Hospital Warden in taking care of, feeding, and nursing, such indigent sick.

SEC. 12. It shall be the duty of the Board of Supervisors to advertise for ten days in the county official press, for separate proposals to furnish meats, bread, flour, milk, and other provisions, for the hospital, stating the quality and kind required, and the nature and time of payment therefor, and to award the contract or contracts to the lowest responsible bidder or bidders. All contracts made or awarded under this section may be terminated at the option of the Board of Supervisors at the termination of any quarter after the same are made, and go into effect.

Same.

SEC. 13. It shall be the further duty of the Hospital Warden to take the charge and custody of all provisions and other articles brought into the hospital or procured therefor, and to keep a full, true, and correct, account of the same, specifying each article, showing the date of their reception. He shall also keep an account of all articles of clothing disposed of, designating the article, and the person to whom allowed, and the time when. He shall keep a correct daily account of the marketing for said hospital and superintend the same, and see that sufficient meals and other provisions are furnished of quality according to contract, and that there is no wasteful extravagance or improvident supply thereof. He shall also see to and superintend the cooking and preparation of the food for such indigent sick, and do all other acts and things that may be required of him about the charge and management of said hospital by the Board of Supervisors.

Of Warden.

SEC. 14. It shall be the duty of said Warden to make a monthly report to the Board of Supervisors of all meats, provisions, or other articles, delivered to, or received by, him for said hospital,

Same.

stating therein each separate article, the persons from whom received, and the date of its delivery, together with the price thereof, and when authorized to be purchased. It shall also be his duty to report to said Board of Supervisors, quarterly, the amount of provisions, clothing, and other articles, supplied for said hospital that shall be on hand at the date of such report—also the time of service rendered by any employé in and about said hospital.

Patients, etc. to assist

SEC. 15. It is hereby declared lawful, and the Board of Supervisors are hereby authorized, to require of the wife and family of the Warden, and any of the indigent sick capable of doing manual labor, to aid and assist in doing the service and labor required to be done in taking care of, nursing, and feeding, said sick, improving the grounds of said hospital, or other necessary work required to be done in and about the management and conducting said hospital, and for that purpose the Board of Supervisors may direct the Warden to make use of and require such service and see that the same is rendered, so as to administer the affairs of the hospital as economically as possible.

SEC. 16. The Board of Supervisors shall pass upon all claims and charges against the said hospital at least once a quarter, and audit all just claims, and order warrants to be drawn, payable in cash out of the Hospital Fund, for all claims and charges so audited and allowed.

SEC. 17. The provisions of the foregoing sections of this act shall not be construed to in any manner impair any contract or contracts already made by the Board of Supervisors for the care and maintenance of the indigent sick of Yuba County.

May have legal demands funded.

SEC. 18. It is hereby further enacted, in order to carry out the provisions hereinbefore provided, and to place the management of the hospital of Yuba County upon a cash basis, that the holders of any and all indebtedness, demands, or claims, against the hospital of said county that may have arisen or been incurred on account of said hospital, or the care and management of the indigent sick prior to the first day of October, eighteen hundred and sixty, whether in warrants, audited claims, or otherwise, shall be entitled to the privilege of having the same funded by the Funding Commissioners of said county, under the provisions of an act entitled "An Act to provide for Funding the Indebtedness of the County of Yuba," approved March twenty-sixth, one thousand eight hundred and fifty-seven; *provided*, such funding shall be done before the first day of January, one thousand eight hundred and sixty-one; and, *provided* further, that all unaudited claims shall be first audited and allowed by the Board of Supervisors.

Interest.

SEC. 19. The said Funding Commissioners shall compute the amount of interest and upon all warrants which may be presented to them for funding, from their date up to the time the same shall be funded, and shall issue to the holders of the same bonds in sums as provided in said act, for the principal of said warrants and all interest which may have accumulated upon the same up to the day of issue of such bonds.

SEC. 20. Said bonds shall bear the date of the day of their issuance, and shall bear interest at the rate of ten per cent. per annum, payable semi-annually on the first day of January and

July of each year from and after their date, until the same shall be paid and liquidated; said bonds and the interest to accrue thereon shall be made payable at the office of the County Treasurer, or in the city of New York, at the option of the person to whom the same shall be issued. Bonds, when payable.

SEC. 21. Said bonds shall be in manner and form and signed by the same officers, as prescribed by the said act first above named; and the same provisions for the payment of the interest which may accrue thereon and for the final payment of the bonds when due, shall be made by the proper authorities as by law are prescribed for the payment of the bonds heretofore issued under the provisions of said act. Manner and form of.

SEC. 22. The Funding Commissioners shall receive in payment of all services required to be performed by this act the same compensation as is provided by the act first above named. Compensation.

SEC. 23. The County Treasurer shall at all times hereafter retain in his hands funds sufficient to pay the interest that may accrue on said bonds from January to July of each year, and every year until the first day of April of each and every year, and the holder or owner of any of said bonds may, at any time between the first day of January and the first day of April of each and every year, present to the County Treasurer of said county, at his office, the coupons for the interest to become due on the first day of July then following, and the County Treasurer shall pay and cancel the same, deducting therefrom three per cent. on the dollar for all coupons so paid, and the three per cent. so retained and deducted by the County Treasurer shall by him be set over to the General Fund of the county, to be used for county purposes as directed by law; *provided*, that all coupons not presented and canceled as herein provided, the Treasurer shall provide for and pay as provided in "An Act to provide for Funding the Indebtedness of the County of Yuba," approved March twenty-sixth, one thousand eight hundred and fifty-seven. To retain sufficient to pay interest

SEC. 24. It shall not be lawful for the Board of Supervisors of the county of Yuba, except as this act provides, to make any assessment or levy any tax to be used or applied in any way for the payment or liquidation of any of the indebtedness mentioned in section eighteen of this act, and it shall not be lawful to pay any such indebtedness otherwise than by funding the same and paying such funding bonds and the coupons thereon; and every such assessment or tax laid, or provision made for the payment thereof, contrary to the provisions of this act, shall be absolutely null and void; *provided*, that any indebtedness now existing against the Hospital Fund of said county of Yuba, shall be entitled to be paid in its regular order, as heretofore, out of any moneys in said fund, up to and including October first, A. D. one thousand eight hundred and sixty; after which time it shall not be lawful to pay any of the indebtedness mentioned in section eighteen of this act, except as directed by the provisions of this section.

SEC. 25. All laws or parts of laws in conflict with the provisions of this act, so far as the same are applicable to the county of Yuba, are hereby repealed. Repealing clause.

CHAP. CCXXX.—*An Act to amend an Act entitled "An Act to create a Board of Supervisors in the Counties of this State, and to define their Duties and Powers," approved March twentieth, one thousand eight hundred and fifty-five.*

[Approved April 18, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eighteen of said act is hereby amended as follows, so far as may relate to the county of Sierra:

Per diem. The per diem shall not exceed ten dollars, and in the aggregate not to exceed seven hundred dollars.

SEC. 2. All acts or parts of acts in conflict with the provisions of this act are hereby repealed, so far as the same may relate to Sierra County.

CHAP. CCXXXI.—*An Act amendatory of an Act entitled "An Act for the Government and Protection of Indians," passed April twenty-second, one thousand eight hundred and fifty.*

[Approved April 18, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section third of said act, is hereby amended so as to read as follows:

Sec. 3. County and District Judges in the respective counties of this State, shall, by virtue of this act, have full power

Power to apprentice, etc. Indians. and authority, at the instance and request of any person having or hereafter obtaining any Indian child or children, male or female, under the age of fifteen years, from the parents or person or persons having the care or charge of such child or children, with the consent of such parents or person or persons having the care or charge of any such child or children, or at the instance and request of any person desirous of obtaining any Indian or Indians, whether children or grown persons, that may be held as prisoners of war, or at the instance and request of any person desirous of obtaining any vagrant Indian or Indians, as have no settled habitation or means of livelihood, and have not placed themselves under the protection of any white person, to bind and put out such Indians as apprentices, to trades, husbandry, or other employments, as shall to them appear proper,

Indentures. and for this purpose shall execute duplicate articles of indenture of apprenticeship on behalf of such Indians, which indentures shall also be executed by the person to whom such Indian or Indians are to be indentured; one copy of which shall be filed by the County Judge, in the Recorder's office of the county, and one copy retained by the person to whom such Indian or Indians may be indentured; such indentures shall authorize such person to have the care, custody, control, and earnings, of such Indian

or Indians, as shall require such person to clothe and suitably provide the necessaries of life for such Indian or Indians, for and during the term for which such Indian or Indians shall be apprenticed, and shall contain the sex, name, and probable age, of such Indian or Indians; such indentures may be for the following terms of years: Such children as are under fourteen years of age, if males, until they attain the age of twenty-five years; if females, until they attain the age of twenty-one years; such as are over fourteen and under twenty years of age, if males, until they attain the age of thirty years; if females, until they attain the age of twenty-five years; and such Indians as may be over the age of twenty years, then next following the date of such indentures, for and during the term of ten years, at the discretion of such Judge; such Indians as may be indentured under the provisions of this section, shall be deemed within such provisions of this act, as are applicable to minor Indians.

SEC. 2. Section seventh of said act is hereby amended so as to read as follows:

Sec. 7. If any person shall forcibly convey any Indian from any place without this State, to any place within this State, or from his or her home within this State, or compel him or her to work or perform any service, against his or her will, except as provided in this act, he or they shall, upon conviction thereof, be fined in any sum not less than one hundred dollars, nor more than five hundred dollars, before any court having jurisdiction, at the discretion of the court, and the collection of such fine shall be enforced as provided by law in other criminal cases, one-half to be paid to the prosecutor, and one-half to the county in which such conviction is had. Penalty for conveying, etc. Indian.

CHAP. CCXXXII.—*An Act to Incorporate the City of Santa Barbara.*

[Approved April 18, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The district of country in the county of Santa Barbara, heretofore known as "The Pueblo of Santa Barbara," and the inhabitants residing therein, shall be a corporation, under the name and style of "The City of Santa Barbara," and by that name shall be known in law, in all courts and in all actions and proceedings, and may hold and receive property, real and personal, and may lease and sell the same for the benefit of said city. Act of incorporation.

SEC. 2. The officers of the city of Santa Barbara, shall consist of three Trustees, one of whom shall be elected as President, one as Treasurer, and one as Clerk, and any two of them shall constitute a quorum for the transaction of business, and said Trustees shall hold office for one year, and until their successors are qualified. Officers.

Election of. SEC. 3. The annual election for Trustees under the provisions of this act, shall be held on the first Tuesday in May. The elections shall be conducted in all respects according to the provisions of the general election law of the State, and the returns of said elections shall be made to the County Clerk of Santa Barbara County, within five days after the election; and said County Clerk, within five days thereafter, shall issue a certificate of election to each of the persons elected.

Electors. SEC. 4. No person shall be entitled to vote at any city election who is not a white male citizen of the United States, and who has not been a resident of the State six months, and of the city thirty days next preceding the election; and no person shall be eligible to the office of Trustee who is not a qualified elector of the city. Within ten days after receiving his certificate of election, and before entering upon the discharge of his duty, each Trustee shall take the oath of office, and give official bond to the city of Santa Barbara, in the sum of five hundred dollars, with at least two sufficient sureties, for the faithful discharge of his duty as Trustee; said bond to be approved by the County Judge or County Clerk, of Santa Barbara County, and filed in the office of said Clerk.

Power of Trustees. SEC. 5. The Trustees shall have power to pay city indebtedness, duly and legally contracted before this act takes effect; to have possession of, protect, and preserve, the property of the city; to pay taxes hereafter duly levied in city property, for county and State purposes, and to purchase and pay for necessary blank books and stationery for the use of said Trustees, and also to pay the necessary expense for city elections. The Trustees shall also have power to lease portions of the city lands for terms of one year, the city receiving the rents thereof.

Same. SEC. 6. When it shall be necessary to raise money for the purpose stated in the preceding section, the Trustees shall have power to sell portions of the city property to the amount required to be raised, and expenses of sale, and no more, and any further sale shall be invalid and null; such sale shall be at public auction, in the city of Santa Barbara, after ten days' public notice, and at such sale any of the Trustees shall have power to act as Auctioneers; and if, before the taking effect of this act, the Marshal of the city of Santa Barbara shall have sold real estate for taxes due said city, and the period for redemption shall not have expired, said Trustees shall have power and be required to give conveyances to the purchaser of the property sold, if the same shall not be redeemed within six months after said sale.

May sue and defend. SEC. 7. That if at any time the Trustees shall deem it advisable to sue or defend, for the recovery of any property of the city, or to prevent waste thereon, they may enter into a contract with an Attorney for that purpose, and also the Trustees may contract with the parties in possession of said property, or claiming the same, for compromise and settlement; but no contract authorized by this section shall be binding on said city, or the Trustees thereof, until the same shall be ratified by a majority of the votes cast at a city election called for that purpose by the Trustees, and due notice for such election shall be given for at least five days.

SEC. 8. The Treasurer shall receive and safely keep all mon-

eys belonging to the city, and shall pay out the same when directed by the Trustees, for the purposes specified in this act, and he shall keep an account of all moneys by him so received and expended, and the Clerk shall keep a faithful record of the proceedings of the Trustees; and the Trustees shall annually, in the month of April, publish a statement in detail, of their receipts and expenditures, by posting copies of the statement in three of the most public places in the city of Santa Barbara; and the said Trustees shall have no further authority whatever to create any further debt on the part of said city, otherwise than provided for in this act; and said Trustees shall receive no compensation for their services. Duty of Treasurer.

SEC. 9. In case of vacancy in the Board of Trustees, the remaining members shall order a special election to fill such vacancy, giving at least six days' notice thereof; and if said Board shall become entirely vacant, then the County Judge or the Clerk of said county, shall order a special election to fill said Board, giving notice as aforesaid. Special election.

SEC. 10. The corporation created by said act shall succeed to all the legal rights and claims of the corporation created by the act entitled "An Act to Incorporate the City of Santa Barbara," passed April ninth, in the year one thousand eight hundred and fifty, and also of an act supplementary to the above mentioned act, approved March twenty-second, in the year one thousand eight hundred and fifty-two, and shall be subject to all the liabilities incurred and obligations created under said acts of incorporation. Rights of Corporation.

SEC. 11. As soon as the Trustees shall be elected and qualified under this act, the former city officers shall deliver to said Trustees all moneys, documents, and property, in their possession, belonging to the city of Santa Barbara.

SEC. 12. That an act entitled "An Act to Incorporate the City of Santa Barbara," passed April ninth, in the year one thousand eight hundred and fifty, and also an act supplementary thereto, approved March twenty-second, one thousand eight hundred and fifty-two, be, and the same are, hereby repealed. Repealing clause.

SEC. 13. This act shall take effect from and after its passage.

CHAP. CCXXXIII.—*An Act appropriating Money for the Payment of the Copying of the Legislature during the Eleventh Session.*

[Approved April 18, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of three thousand dollars is hereby appropriated out of any moneys in the General Fund, not otherwise appropriated, for the copying done for the Assembly, and three thousand dollars for copying done for the Senate, to be known as the Copying Fund of the Assembly and the Copying Fund of the Senate, respectively. Amount appropriated.

SEC. 2. The sum appropriated by this act is hereby expressly exempted from the provisions of "An Act to create a Board of Examiners, to define their Powers and Duties, and to impose certain Duties upon the Controller and Treasurer," approved April twenty-first, one thousand eight hundred and fifty-eight, but shall be disbursed under the direction of the body to which it may respectively belong; *provided*, that whatever copying shall be done for the eleventh session of the Assembly and Senate after their adjournment, which shall remain unfinished, shall be examined and certified to by the Secretary of State, and the Controller shall thereupon draw his warrant for the amount so certified to, upon the Treasurer for the same, to be paid out of the remaining unexpended part of the Copying Fund made and provided in this act. The Treasurer shall thereupon pay the amount so drawn for out of the money appropriated by this act, and the balance remaining unexpended shall revert to the General Fund of the treasury.

Exemption.

SEC. 3. This act shall take effect from and after its passage.

To take effect.

CHAP. CCXXXIV.—*An Act for the erection of a Building for a State Reform School, and for the Regulation of the Same.*

[Approved April 18, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. There shall be erected upon the land conveyed to the State by Charles Covillaud, on behalf of the Common Council of the city of Marysville, a State Reform School for the instruction, employment, and reform, of juvenile offenders.

SEC. 2. For this purpose there shall be elected, in joint convention of the two branches of the Legislature convened for that purpose, three Trustees, two of whom shall be residents of the county of Yuba, whose term of office shall be for two years, or until their successors are qualified, who shall be authorized and empowered to erect, or cause to be erected, a building suitable for the accommodation of not less than eighty boys, and for all necessary offices for Teachers and Assistants, in conformity with plans and specifications to be adopted as hereinafter provided.

Trustees to be elected.

SEC. 3. The Trustees provided for in this act, within thirty days after receiving certificates of their election, shall qualify by taking the usual oath of office, and shall, jointly and severally, execute and deliver to the Governor a bond, payable to the State of California, in the sum of twenty-five thousand dollars, with good and sufficient sureties, to be approved by the Governor, conditioned for the faithful performance of all the duties which may be required of them by law, and for the delivery to their successors in office of all books, papers, moneys, vouchers, and effects, belonging to their office.

To execute bond.

SEC. 4. They shall, within ten days after the approval of their

bond, organize by electing from their number a President and Secretary of the Board of Trustees, and the Governor shall designate one from their number as a Superintendent, whose duty it shall be to superintend all general business, who shall receive such salary as the Board of Trustees may deem proper; *provided*, the amount so allowed, together with the amount received as Trustee, shall not exceed two hundred dollars per month; *provided* further, that his term of office as such Superintendent shall expire at the completion of said building. They shall, immediately after organization, advertise for plans and specifications in two or more daily newspapers published in this State; at the expiration of which time they shall adopt from the number presented such plans and specifications as they may deem proper, and pay for the same; *provided*, they shall not pay to exceed five hundred dollars for any plan and specifications. To elect certain officers.

SEC. 5. They shall, within ten days after the adoption of said plans and specifications, place said plans and specifications in the office of the County Clerk, in the city of Marysville, and give public notice by advertising in two or more daily papers published in this State, that the said plans and specifications can be seen at the County Clerk's office, in the city of Marysville, and of their readiness to receive sealed proposals for the erection of a building, in accordance with the plans and specifications there on file, and the time and place where said proposals will be received and opened. Plans and specifications.

SEC. 6. All bids aforesaid, shall be sealed up and delivered to the Trustees, and shall be opened by them, publicly, in the office of said Trustees, in the city of Marysville, on such day and at such hour as the said Trustees shall designate in their advertisements for proposals. Where bids to be opened

SEC. 7. The Trustees shall award said contract to the lowest responsible bidder, with power to reject any or all bids, and advertise again for further proposals.

SEC. 8. All contracts made under the provisions of this act, shall be carefully drawn under the supervision of the Trustees, and shall contain a detailed specification of the work to be done, the manner in which the same shall be executed, quality of the materials to be used, and the time within which the same shall be completed. Contracts how drawn.

SEC. 9. They shall require of such person or persons to whom said contract shall be awarded, a good and sufficient bond, of double the amount of said contract, for the faithful performance of the same, to be approved by the Board of Trustees. To give bond.

SEC. 10. The said Trustees are hereby authorized and empowered to appoint an Architect, whose salary shall not exceed two hundred dollars per month, whose duty it shall be, under the direction and control of said Trustees, to judge of the quality and durability of the materials that may be furnished in the erection of said building, and to take special care that all work be done in a neat, substantial, and workmanlike, manner, and in accordance with the plans and specifications. Said Architect, for inability, malperformance, neglect, or refusal, to perform his duties, may, at any time, be removed from his office by said Trustees and his successor appointed. Architect.

SEC. 11. A majority of the Board of Trustees shall constitute a quorum, and shall be competent to transact business.

Trustees may pay from time to time.

SEC. 12. The Trustees may make payments to the Contractors from time to time, as the work shall progress; *provided*, that until the contract is completed, at no time shall such payment exceed seventy-five per cent. of the value of the labor performed and materials furnished in the construction of said building. Said value shall be ascertained and determined by the Architect.

Not to be interested, etc.

SEC. 13. The Trustees and Architect elected or appointed under this act, shall not, nor shall either of them, be interested, either directly or indirectly, in any contract for work or labor, or for materials furnished in the construction of said building. They shall make and subscribe, before an officer authorized by law to administer oaths, a declaration under oath, that they will not during their continuance in such office, be so interested, which declaration shall be filed in the office of the Secretary of State. A violation of said declaration shall subject the party so violating to a prosecution for perjury, and upon conviction thereof, he or they shall be punished accordingly. Each of said Trustees shall receive the sum of six hundred dollars per annum in full compensation for his services as such.

SEC. 14. In case of a failure of the Legislature to elect said Trustees, or in case of a vacancy by death or otherwise, or if

Governor to appoint.

either of them shall fail to qualify, it shall be the duty of the Governor of the State to appoint and fill such vacancy.

Amount appropriated.

SEC. 15. The sum of thirty thousand dollars is hereby appropriated out of any money that is not otherwise appropriated, to be expended in the erection of a building for the State Reform School, and all necessary expenses attending the same, and the Controller is hereby authorized to draw his warrants in such sums as may be required of him by the Board of Trustees, for the erection and expense of the same; *provided*, that in the aggregate they do not exceed thirty thousand dollars.

Duty of Trustees.

SEC. 16. It shall be the duty of said Trustees to take charge of the general interests of the institution; to see that its affairs are conducted in accordance with the requirements of the Legislature, and of such rules and regulations or by-laws, as the Board may from time to time adopt, for the orderly and economical management of its concerns; to see that proper discipline is maintained therein; to provide employment for the inmates, and bind them out, discharge, or remand, them, as is hereinafter provided; to appoint a Superintendent and such other officers as in their judgment the wants of the institution may require; to prescribe the duties of all the officers thereof; to exercise a vigilant supervision over its concerns; to remove its officers at pleasure and appoint others in their stead; to determine the compensation to be allowed the officers, respectively, subject to the approval of the Governor. The Trustees shall also submit to the Governor a code of rules and regulations or by-laws, which shall not be valid until sanctioned by him.

SEC. 17. As soon as the Commissioners appointed by the act for the erection of buildings for a State Reform School shall have completed their duties, and the buildings be ready for occu-

pancy, the Governor shall issue his proclamation, giving public notice of the fact.

SEC. 18. After the proclamation shall have been made, as provided in section seventeen of this act, when any boy or youth, between the age of eight and sixteen years, shall be convicted of any offense known to the laws of this State, and punishable by imprisonment, other than such as may be punishable by imprisonment for life, the court (or Justice, as the case may be,) before whom such conviction shall be had, may, at their discretion, sentence such boy or youth to the State Reform School, or to such punishment as is now provided by law for the same offense. And if the sentence shall be to the Reform School, then it shall be in the alternative to the State Reform School, or to such punishment as would have been awarded if this act had not passed. How admitted.

SEC. 19. Any boy or youth so convicted, and sent to said school, shall there be kept, disciplined, instructed, employed, and governed, under the direction of said Board of Trustees, until the term of his sentence shall have expired, or until he shall be either reformed or discharged, or shall be bound out by said Trustees, according to their by-laws, or shall be remanded to prison, under the sentence of the court, as incorrigible, upon information of the Trustees, as hereinafter provided.

SEC. 20. If any boy or youth shall, upon any conviction, be sentenced to the said school, and the Trustees shall deem it expedient to receive him, or if he shall be found incorrigible, or his continuance in the school shall be deemed injurious to the management and discipline thereof, they shall certify the same upon the *mittimus* by virtue of which he is held, which *mittimus*, together with the convict, shall be delivered to the Sheriff of any county, or his Deputy, or to the Constable of any town, who shall forthwith commit said boy or youth to the jail or State prison, as the case may be, in pursuance of the alternative sentence provided for in the preceding section of this act. If incorrigible, etc.

SEC. 21. All commitments of boys or youths to this institution, of whatever age when committed, shall be for a term not longer than their minority, nor less than one year, unless sooner discharged by order of the Trustees, as heroinbefore provided. The *mittimus* shall state the age, the offense committed, the sentence, and the alternative sentence. Whenever any boy or youth shall be discharged, by the expiration of his term of commitment, or as reformed, or as having arrived at the age of twenty-one years, such discharge shall be a full and complete release from all penalties and disabilities which may have been created by such sentences. Term of sentence.

SEC. 22. The Trustees shall have power to bind out all boys committed to their charge for a term of time, during the period for which they shall have been committed, as apprentices to any inhabitant of this State. Further powers of Trustees.

SEC. 23. The Trustees shall cause the boys and youth under their charge to be instructed in such branches of useful knowledge as shall be adapted to their age and capacity; they shall also be instructed in some regular course of labor, either mechanical, manufacturing, agricultural, or horticultural, or a combination of these, as shall be best suited to their age and strength, disposition and capacity; also, to such other arts and trades as

may seem to them best adapted to secure the reformation, amendment, and future welfare, of the boys; and in binding out the inmates the Trustees shall have scrupulous regard to the character of those to whom they are bound, to the end that they may secure to the boys the benefit of a good example and wholesome instruction, and other means of improvement in virtue and knowledge, and thus the opportunity of becoming intelligent, moral, and useful, citizens of the State.

Who to have charge of inmates.

SEC. 24. The Superintendent, with such other officers as the Trustees may appoint, shall have the charge and custody of the inmates. He shall himself be a constant resident of the institution, and shall discipline, govern, instruct, and employ, and use his best endeavors to reform the inmates, in such manner as, while preserving their health, will secure the formation, as far as possible, of moral and industrious habits, and regular progress and improvement in their studies, trades, and various employments.

To give bond

SEC. 25. The Superintendent shall have charge of the lands, buildings, furniture, tools, implements, stock, and provisions, and every species of property pertaining to the institution, within the precincts thereof. He shall, before he enters upon the duties of his office, give a bond to the State, with sureties approved by the Governor, in the sum of ten thousand dollars, conditioned that he shall faithfully account for all moneys received by him as Superintendent, and faithfully perform all the duties incumbent on him as such. He shall keep in suitable books, regular and complete accounts of all his receipts and disbursements, and of all the property intrusted to him, showing the income and expenses of the institution; and he shall account in such manner and to such persons as the Trustees shall direct, for all moneys received by him, from the proceeds of the farm or otherwise. His books and all documents relating to the school, shall at all times be open to the inspection of the Trustees, who shall, at least once in three months, carefully examine said books and accounts, the vouchers and documents connected therewith, and make a record of the result of such examination. He shall keep a register containing the name and age of each boy and youth, a description of his person, and of all matters pertaining to his early history; and shall add such facts as may come to his knowledge relating to the subsequent history of such boy or youth while at the institution and after he shall have left it, together with any additional statistics that may be directed by the Trustees.

Contracts to be in writing.

SEC. 26. All contracts or accounts of the institution shall be made by the Trustees in writing, but no contract shall be made at any time which, with the other necessary monthly expenses, shall exceed the monthly appropriation which may have been made by the Legislature of the State, and the Trustees or their successors, may sue or be sued thereon to final judgment and execution.

SEC. 27. The moneys appropriated by the State for the support and maintenance of the State Reform School shall be disbursed as follows:

Moneys how disbursed.

The Trustees shall estimate monthly in advance, for the ascertained and probable expenses of the school, and the Controller

of State is hereby directed to draw his warrant for the amount so ascertained in favor of the Trustees, on the first day of each month, and the Treasurer of State shall pay the same out of any moneys so appropriated. Purchases for the school shall be made for cash; every voucher shall be sworn to at the time it is taken, and shall be taken at the time the money is paid. The Trustees shall take a bond from the Treasurer of the Board, conditioned for the faithful performance of his duties.

Trustees to visit schools.

SEC. 28. One or more of the Trustees shall visit the school at least once in every four weeks, at which time the inmates shall be examined in the school-room and work-shop, and the register inspected. A record of these visits shall be kept in the books of the Superintendent. Once in every three months the school shall be thoroughly examined by a majority of the Board of Trustees, and a report made showing the results of these examinations. Annually, in the month of December, an abstract of these quarterly reports shall be prepared, which, together with a full report of the Superintendent, stating particularly the details of each inmate committed, as is done in reports of similar institutions elsewhere, shall be forwarded to the Governor, and by him be transmitted with his annual message to the Legislature. A financial statement, furnishing an accurate detailed statement of the receipts and expenditures for the year terminating the last day of November next preceding, shall also be furnished.

CHAP. CCXXXV.—*An Act to authorize the Guardians of Alice Marsh to sell Personal Property at Private Sale.*

[Approved April 18, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Who authorized to sell.

SECTION 1. O. C. Coffin and F. M. Warmcastle, Guardians of Alice Marsh, residents of the county of Contra Costa, are authorized to sell personal property belonging to the said minor at private sale, to pay the yearly expense of the care and education of their ward, and the proper management of her real and personal estate.

SEC. 2. Whenever a sale of personal property shall be necessary, a petition shall be presented to the Probate Court, praying for an order of sale; the petition, together with the notice of the application to the court, and the action of the court thereon, shall conform to the law governing the public sales of personal property by Executors and Administrators.

To make return

SEC. 3. Within one month after a sale of property by said Guardian or either of them, a written return, under oath, of the kind and amount of property sold, and the price for the same, shall be presented to the Probate Court.

To take effect.

SEC. 4. This act shall take effect from and after its passage.

CHAP. CCXXXVI.—*An Act to authorize the Board of Trustees of the City of Sonora, to levy a Special Tax for the benefit of the Fire Department.*

[Approved April 18, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Special tax.

SECTION 1. The Board of Trustees of the city of Sonora are hereby authorized to levy and collect an additional special tax, not to exceed one-half of one per cent. on the taxable property within the limits of the said city of Sonora, for the benefit of the Fire Department of said city; and all moneys collected under the provisions of this act shall be set apart and kept by the Board of Trustees as a Special Fire Fund, to be used for the purpose of purchasing a fire-engine, for the use of the Fire Department of said city and for constructing three or more cisterns within the limits of said city; *provided*, this act shall not be so construed as to authorize the levying of said tax only for the year one thousand eight hundred and sixty.

SEC. 2. The tax authorized to be levied and collected by this act, may be levied and collected at the same time and in the same manner, as other taxes for said city are levied and collected for the year one thousand eight hundred and sixty.

Who to purchase.

SEC. 3. Said fire-engine shall be purchased by the Board of Trustees of said city, and shall be the property of said city, and under the control and supervision of said Board of Trustees; and said Board shall cause the same to be kept in good repair, and to exercise general supervision and control over said engine and cisterns; *provided*, that nothing in this section shall be so construed as to interfere with the rights of the Fire Department as heretofore granted them.

Surplus moneys.

SEC. 4. All surplus moneys, if any, arising from the tax herein authorized to be levied and collected, shall be kept by the Board of Trustees of said city for a Special Fire Fund, and subject only to the order of the said Board of Trustees.

Not to levy tax until an election is had.

SEC. 5. The Board of Trustees shall not proceed to levy and collect said tax until after an election shall have been held in said city to determine whether a majority of the electors in said city are in favor thereof; and said Board shall give at least two weeks' notice of said election by publication in one of the newspapers published in said city; and, if a majority of the votes cast at said election are against the levying and collecting of said tax, the Board of Trustees shall have no power to levy and collect the tax hereinbefore provided for.

CHAP. CCXXXVII.—*An Act to release certain Judgments.*

[Approved April 18, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the two certain judgments, now of record in the District Court of the Sixth Judicial District, being the same rendered in said court heretofore, to-wit: on or about the fourteenth day of May, A. D. one thousand eight hundred and fifty-seven, upon certain bonds executed to Henry Bates, State Treasurer, which judgments are entitled "Henry Bates, State Treasurer, *v.* Joseph C. Palmer et al." shall be, and the same are hereby, released and forever discharged. Judgments released.

SEC. 2. This act to take effect from and after its passage. To take effect.

CHAP. CCXXXVIII.—*An Act to Legalize the Acts of the Public Administrator of the County of Yolo.*

[Approved April 18, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Public Administrator of the county of Yolo shall hold his office for the term of two years from the date of his election, and until his successor is elected and qualified, and shall do and perform all the duties which are now, or may hereafter be, required of him by law. Term of office and duties.

SEC. 2. All acts heretofore performed by said Public Administrator, since the date of his election, shall be valid and binding in law; *provided*, said acts or any part thereof, have been, or may hereafter be, approved by the Probate Court of said county. Former acts valid.

CHAP. CCXXXIX.—*An Act for the Relief of the Sureties upon the Official Bonds of Jesse Wells, late Treasurer of Humboldt County.*

[Approved April 18, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sureties upon the official bonds of Jesse Wells, late County Treasurer of Humboldt County, are hereby released and discharged from all demands on the part of the State of California for or on account of said bonds. Sureties released.

CHAP. CCXXXVI.—*An Act to authorize the Board of Trustees of the City of Sonora, to levy a Special Tax for the benefit of the Fire Department.*

[Approved April 18, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Special tax.

SECTION 1. The Board of Trustees of the city of Sonora are hereby authorized to levy and collect an additional special tax, not to exceed one-half of one per cent. on the taxable property within the limits of the said city of Sonora, for the benefit of the Fire Department of said city; and all moneys collected under the provisions of this act shall be set apart and kept by the Board of Trustees as a Special Fire Fund, to be used for the purpose of purchasing a fire-engine, for the use of the Fire Department of said city and for constructing three or more cisterns within the limits of said city; *provided*, this act shall not be so construed as to authorize the levying of said tax only for the year one thousand eight hundred and sixty.

SEC. 2. The tax authorized to be levied and collected by this act, may be levied and collected at the same time and in the same manner, as other taxes for said city are levied and collected for the year one thousand eight hundred and sixty.

Who to purchase.

SEC. 3. Said fire-engine shall be purchased by the Board of Trustees of said city, and shall be the property of said city, and under the control and supervision of said Board of Trustees; and said Board shall cause the same to be kept in good repair, and to exercise general supervision and control over said engine and cisterns; *provided*, that nothing in this section shall be so construed as to interfere with the rights of the Fire Department as heretofore granted them.

Surplus moneys.

SEC. 4. All surplus moneys, if any, arising from the tax herein authorized to be levied and collected, shall be kept by the Board of Trustees of said city for a Special Fire Fund, and subject only to the order of the said Board of Trustees.

Not to levy tax until an election is had.

SEC. 5. The Board of Trustees shall not proceed to levy and collect said tax until after an election shall have been held in said city to determine whether a majority of the electors in said city are in favor thereof; and said Board shall give at least two weeks' notice of said election by publication in one of the newspapers published in said city; and, if a majority of the votes cast at said election are against the levying and collecting of said tax, the Board of Trustees shall have no power to levy and collect the tax hereinbefore provided for.

CHAP. CCXXXVII.—*An Act to release certain Judgments.*

[Approved April 18, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. That the two certain judgments, now of record in the District Court of the Sixth Judicial District, being the same rendered in said court heretofore, to-wit: on or about the fourteenth day of May, A. D. one thousand eight hundred and fifty-seven, upon certain bonds executed to Henry Bates, State Treasurer, which judgments are entitled "Henry Bates, State Treasurer, *v.* Joseph C. Palmer et al." shall be, and the same are hereby, released and forever discharged. Judgments released.

SEC. 2. This act to take effect from and after its passage. To take effect.

CHAP. CCXXXVIII.—*An Act to Legalize the Acts of the Public Administrator of the County of Yolo.*

[Approved April 18, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Public Administrator of the county of Yolo shall hold his office for the term of two years from the date of his election, and until his successor is elected and qualified, and shall do and perform all the duties which are now, or may hereafter be, required of him by law. Term of office and duties.

SEC. 2. All acts heretofore performed by said Public Administrator, since the date of his election, shall be valid and binding in law; *provided*, said acts or any part thereof, have been, or may hereafter be, approved by the Probate Court of said county. Former acts valid.

CHAP. CCXXXIX.—*An Act for the Relief of the Sureties upon the Official Bonds of Jesse Wells, late Treasurer of Humboldt County.*

[Approved April 18, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sureties upon the official bonds of Jesse Wells, late County Treasurer of Humboldt County, are hereby released and discharged from all demands on the part of the State of California for or on account of said bonds. Sureties released.

CHAP. CCXL.—*An Act to amend "An Act to authorize the Counties of the State of California to become Stockholders in Railroad Companies," approved April sixteenth, one thousand eight hundred and fifty-nine.*

[Approved April 18, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eight of said act is hereby amended so as to read as follows:

Bonds. SEC. 8. The bonds issued in accordance with the provisions of this act, shall bear interest at a rate not exceeding eight per cent. per annum, and shall be paid by money raised by taxation upon all taxable property of the county, in ten annual installments.

SEC. 2. Section nine of said act is hereby amended so as to read as follows:

Liquidation of bonds. SEC. 9. It shall be the duty of the Board of Supervisors to cause the first payment on the principal of the bonds issued in accordance with the provisions of this act, to be made on the first day of December of the tenth year subsequent to the levy of taxes, for the purpose of paying the bonds issued under this act; and the amount then paid shall be one-tenth of the principal debt contracted by the issuance of said bonds, and the interest then due upon the entire amount of said debt shall be paid, together with the entire amount of interest then due, until the whole debt shall be discharged.

SEC. 3. Section twelve of said act is hereby amended so as to read as follows:

Interest, etc. SEC. 12. The payment and redemption of bonds referred to in this act, shall be the payment and redemption of the principal debt or original bond, and the interest shall be annually paid, as herein provided, on the first day of December, upon the presentation of the coupons attached to the bonds. Twenty coupons shall be attached to each bond, and shall be numbered, and shall express thereon the amount of interest due each year, when payable and where, and shall be signed by the Treasurer and President of the Board of Supervisors, in the same manner as the bonds are required to be signed.

SEC. 4. This act to take effect from its passage.

CHAP. CCXLI.—*An Act to audit and allow the claim of J. M. Warner.*

[Approved April 18, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Amount of claim. SECTION 1. The claim of J. M. Warner against the State of California, for the sum of seventy-five dollars, for services ren

dered by him as Appraiser at the State prison, in the year one thousand eight hundred and fifty-five, is hereby audited and allowed.

CHAP. CCXLII.—*An Act to provide for the Location of the County Seat of Yolo County.*

[Approved April 18, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The location of the county seat of Yolo County, shall be submitted to the qualified voters of said county, at the general election held in and for this State, in the year, A. D. one thousand eight hundred and sixty. Location to be submitted to people.

SEC. 2. The ballots used upon such election shall be inscribed "For County Seat," (naming the place voted for).

SEC. 3. The returns of such election shall be made in the same manner and by and to the same officers, as are the returns of elections for county officers. Returns how made.

CHAP. CCXLIII.—*An Act to authorize Joshua Chadbourne and Josiah Bacon, to Construct and Maintain a Wharf at Lakeville, in the County of Sonoma.*

[Approved April 18, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Joshua Chadbourne, and Josiah Bacon, and their assigns, are hereby authorized to maintain and construct a wharf at Lakeville, on Petaluma Creek, in the county of Sonoma, extending into the said creek, and then and up and down the said creek not more than two hundred feet, in the form of a T; *provided*, the said wharf shall not be extended into the said creek so as to obstruct the navigation thereof. To construct wharf.

SEC. 2. The said Joshua Chadbourne, and Josiah Bacon, and their assigns, shall have the right to charge, collect, and receive, dockage and wharfage, for the use of said wharf for the period of twenty-five years; *provided*, that the charges so to be made, may be at any time regulated by the Board of Supervisors of the county of Sonoma. To collect tolls.

CHAP. CCXLIV.—*An Act amendatory of an Act entitled "An Act to establish Pilots and Pilot Regulations for Humboldt Bay and Bar," approved March eighth, one thousand eight hundred and sixty.*

[Approved April 18, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-six of said act is hereby amended so as to read as follows:

Additional pay.

Sec. 26. Any vessel with a pilot on board being detained more than twenty-four hours by contrary winds, bad weather, or other cause, not the fault of the pilot, shall pay to such pilot the sum of eight dollars per day, exclusive of his regular fees, for each day's detention, whether such vessel be inward or outward bound.

CHAP. CCXLV.—*An Act to authorize the Administrator of the Estate of Albert Wardwell, Deceased, to sell the Real Estate of said Deceased at public or private sale.*

[Approved April 18, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. That Samuel S. Phillips, Administrator of the estate of Albert Wardwell, late of the city and county of San

Authorized to sell.

Francisco, deceased, is hereby authorized to sell the real estate of said deceased, or any parts or portions thereof, or any right, title, or interest, therein, belonging to said deceased, on such terms, and in such manner, at public or private sale, as may be most advantageous to said estate. Such sales shall be made under the order of the Probate Court of said city and county, and shall not be final until reported to, and approved by, said court; *provided*, that ten days' notice of the application for approval of such sale shall be given by posting in three public places in the said city and county.

Conveyance valid.

SEC. 2. After the approval of the sale by the said Probate Court, said Administrator shall make to the purchasers a conveyance of the lands, rights, titles, or interests, sold, which conveyance shall be as valid and binding as though made by the said deceased in his lifetime.

When sales made on credit.

SEC. 3. When any sale of said estate is made on credit, at least one-fourth of the purchase money shall be paid before confirmation or approval of the sale, and the balance shall be paid within one year, and shall draw interest at not less than the legal rate; and the faithful payment of such balance shall be secured by promissory notes, and by mortgage upon the premises sold.

To give security.

SEC. 4. The Administrator shall give security, to be approved by the Probate Judge of said city and county, for the lawful and

faithful application of the money arising from the sales herein authorized; and, when such sales are reported to the court for approval, if the Judge be satisfied that the price is disproportionate to the value of the property sold, and that a price can be obtained at least ten per cent. higher, he shall not approve or confirm the sale, but shall order a resale of the property.

CHAP. CCXLVI.—*An Act for the Education and Care of the Indigent Deaf, Dumb, and Blind, in the State of California.*

[Approved April 18, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Messrs. Frederick Billings, J. A. McDougall, B. H. Randolph, P. B. Clark, and H. P. Janes, are hereby constituted a Board of Trustees, whose term of office shall be for two years, and until their successors are appointed and qualified, who shall be authorized and empowered to erect or cause to be erected, a building or buildings, suitable for the education and care of the indigent deaf, dumb, and blind, to be erected upon any lands that may be donated to the State, in the city and county of San Francisco. Trustees and term of office.

SEC. 2. The Trustees provided for in this act shall, within thirty days after the passage of this act, qualify by taking the usual oath of office, and jointly and severally execute and deliver to the Governor a bond, payable to the State of California, in the sum of three thousand dollars, with good and sufficient sureties, to be approved by the Governor, conditioned for the faithful performance of all the duties which may be required of them by law, and for the delivery to their successors in office all books, papers, moneys, vouchers, and effects, belonging to their office. To qualify.

SEC. 3. They shall, within ten days after the approval of their bond, organize by electing from their number a President and a Secretary of the Board of Trustees. Organization.

SEC. 4. They shall, within thirty days after the approval of their bond, adopt some plans and specifications for the erection of said building or buildings, and place said plans and specifications in the office of the Clerk of the city and county of San Francisco, and give public notice by advertising in two or more daily newspapers published in the city and county of San Francisco, and of their readiness to receive sealed proposals for the erection of a building or buildings, in accordance with the plans and specifications there on file, and the time and place when said proposals will be received and opened. Plans and specifications.

SEC. 5. The Trustees shall award said contract to the lowest responsible bidder, and have the power to reject any and all bids, and advertise again for further proposals. Contract.

SEC. 6. All contracts made under the provisions of this act shall be carefully drawn, under the supervision of the Trustees, To be drawn carefully.

and shall contain a detailed specification of the work to be done, the manner in which the same shall be executed, quality of materials to be used, and the time within which the same shall be completed.

To give bond

SEC. 7. They shall require of such person or persons to whom said contract shall be awarded, a good and sufficient bond, of double the amount of said contract, for the faithful performance of the same, to be approved by the Board of Trustees.

Quorum.

SEC. 8. A majority of the Board of Trustees shall constitute a quorum, and shall be competent to transact business.

Payments.

SEC. 9. The Trustees may make payment to the Contractors from time to time, as the work shall progress; *provided*, that until the contract is completed, at no time shall such payment exceed seventy-five per cent. of the value of labor performed or materials furnished; said value shall be ascertained and determined by the Trustees.

Amount appropriated.

SEC. 10. The sum of ten thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, to be expended in the erection of a building or buildings for the accommodation of the indigent deaf, dumb, and blind, for their education and care, and all necessary expenses attending the same; and the Controller is hereby authorized to draw his warrants on the Treasurer, in such sums as may be required of him by the Board of Trustees, for the erection and expense of the same; *provided*, that in the aggregate they do not exceed ten thousand dollars.

General care and management.

SEC. 11. It shall be the duty of said Trustees, and they are hereby authorized, to take the general charge and management of the said institution; to make all necessary rules and regulations, not inconsistent with law, for the government of the same; to see that such laws, rules, and regulations, are complied with; to see that proper discipline is maintained therein; to appoint a Principal and such other Teachers as in their judgment the wants of the institution may require, and to remove such Principal or other Teachers at pleasure, and appoint others in their stead. It shall also be the duty of said Trustees to make a full report, annually, under the oath of the President of said Board, to the Governor of the State, of the condition and affairs of said institution.

Trustees elected biennially.

SEC. 12. It shall be the duty of the Governor, and he is hereby authorized, to appoint, biennially, successors to said Trustees, and also, from time to time, to fill any vacancy in said Board which may occur from death, resignation, or otherwise.

CHAP. CCXLVII.—*An Act to authorize the Establishment of County Infirmaries for the Relief of the Indigent, and to amend an Act entitled "An Act to provide for the Indigent Sick in the Counties of this State," approved March thirty-first, one thousand eight hundred and fifty-five.*

[Approved April 18, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Supervisors of each and every county within this State shall be, and they are hereby, authorized to erect and establish county infirmaries within their respective counties, whenever, in their opinion, such a measure will be advantageous, and for that purpose, it shall be lawful for the said Supervisors to purchase such lot or tract of land, of not more than one hundred and sixty acres, and erect thereon one or more suitable buildings for the accommodation of the institution; *provided*, that if the Supervisors of any county shall think proper to purchase land and erect a county infirmary, under the provisions of this act, the expense of such purchase and erection shall be defrayed by a tax levied on the objects of county taxation, described in the twelfth section for that express purpose, which tax shall be collected and paid over at the same time and in the same time, and in the same manner that other taxes are collected; *provided*, also, that said tax shall not exceed one-fourth of one per cent.; *provided* further, that when there is a sufficient sum of money in the Special Hospital Fund of any county therefor, or other provision is made by law for raising said sum, the tax authorized by this section may or may not be levied, at the option of the Board of Supervisors. To establish county infirmaries.

SEC. 2. The Supervisors in any county in this State, in which a county infirmary is completed or may hereafter be completed, for the reception of the indigent, shall form a Board of Directors of the county infirmary, and shall serve as such during the respective periods for which they are elected; and the said Directors shall in all respects have the same power and authority and be subject to the same liabilities, as hereinafter provided for, and shall, previous to their entering on the duties of Directors of the county infirmary, take an oath or affirmation faithfully to discharge the duties of their office; and said Board of Directors shall appoint a Clerk of their own body, whose duties shall be defined by the Board. Board of Directors. Powers and liabilities.

SEC. 3. The Board of Directors or a majority of them, shall form a quorum to transact business, shall be a body corporate and politic, with perpetual succession, and shall be known by the name of "The Board of Directors of the County Infirmary of ———— County." They may make all such contracts and purchases as may be necessary for the institution, and may prescribe such rules and regulations as they may think proper for the management and good government of the same, and for introducing the practice of sobriety, morality, and industry, among its inhabitants. They shall meet, quarter yearly, at such place as they may agree on, and the President may call a special meeting of the Board at any time he may deem it necessary. May make contracts.

To appoint Superintendent.

SEC. 4. The Board of Directors shall appoint a Superintendent, outside of said Board, who shall reside in some apartment of the county infirmary, or other building contiguous thereto, and shall receive such compensation for his services, perform such duties, and give security for their faithful performance, as the Board shall judge proper. He shall be governed in all respects by the rules and regulations of the Board, and may be removed by them at pleasure. He may require all persons received into the county infirmary to perform such reasonable and moderate labor as may be suited to their ages and bodily strength, the proceeds of which shall be appropriated to the use of the institution in such manner as the Board of Directors may point out. The Superintendent shall receive into the county infirmary any person who shall produce to him such an order or voucher as is hereinafter required, and he shall enter into a book, to be provided by him and kept for that purpose, the name, age, birthplace, length of residence, State last from, previous habits, and present condition of the person, as near as may be, of every person so received into the county infirmary, together with the day on which such person was received.

To make monthly reports.

SEC. 5. The Board of Directors shall cause the county infirmary to be visited at least once in every month, by a committee of their body, which committee shall carefully examine the condition of the inmates, the manner in which they are fed, clothed, and otherwise provided for and treated. They shall ascertain what labors they are required to perform, and shall inspect the books and accounts of the Superintendent, and make report thereof at the next meeting of the Board.

Yearly reports.

SEC. 6. The Board of Directors shall every year cause to be published, in at least two county newspapers, and in one, if there is no more published, the state of the institution, with a full and correct account of all their proceedings, contracts, and disbursements; and the expense of establishing and supporting the institution shall be paid on the order of the County Auditor, by the direction of the Supervisors, out of any money in the County Infirmary Fund of the county.

Further duties.

SEC. 7. It shall be the duty of the Board of Directors to take cognizance of all indigent persons for whose benefit the funds provided in this act have been set apart, and to make all contracts they may deem necessary to provide for the same; and all applications for the benefits of this act shall be made to the Board of Directors or Superintendent by them appointed; and when any person has been or shall hereafter be, received into any county infirmary as an indigent, on account of any infirmity or disease, the Directors of such county infirmary may, when in their opinion such person is so far restored to health and bodily strength as to be able to support himself or herself, direct the Superintendent of such county infirmary to discharge such person therefrom.

Moneys how used.

SEC. 8. All moneys received in commutation of bonds, under the provisons of "An Act concerning Passengers arriving in the Ports of the State of California," shall be used for no other purpose than for the protection and support of the indigent, and shall constitute and be known as the "Infirmary Fund of the State of California."

SEC. 9. The Infirmary Fund, together with all other moneys collected for the benefit of said fund, shall be set apart by the State Treasurer for the purpose expressed and directed in the eighth section of this act, and after the first day of June, one thousand eight hundred and sixty, shall be divided and apportioned among the counties of this State, in proportion to the population as ascertained by the census of one thousand eight hundred and fifty; *provided*, that until the official return of the next census shall be made, the pro rata distribution shall be made upon the highest aggregate vote of the different counties, as returned to the Secretary of State's office at the last general election; and said funds shall be paid over by the Treasurer of the State, on the warrants of the State Controller, who shall issue such warrants upon receiving the order of the Board of Supervisors to the Treasurer of each county. The Board of Supervisors of each county shall use the same for the support and care of the indigent in their counties, and for no other purpose, and shall render an annual account of the use made thereof to the Controller of State, to be presented by him, in a condensed form, in his annual report. The amounts appropriated after the first apportionment shall be due to the counties on the first Mondays of March, June, September, and December, of each year. Infirmary Fund.

SEC. 10. The Board of Directors shall employ such medical aid for the proper treatment and care of the indigent, as may in their judgment be required, and shall fix the compensation of the same. Every physician employed by the Board of Directors, shall be a graduate from some legally incorporated regular college of medicine, or a licentiate of some existing Board of Medical Examiners, of this or any other State. Any physician being employed by the Board aforesaid, to attend to the indigent of the county in which he resides, and failing to perform any of the duties assigned him by the Board aforesaid, or willfully neglecting the same, shall be forthwith discharged; *provided*, the said charge or charges, be sustained by competent testimony before the Board of Directors. To employ medical aid

SEC. 11. When necessary, it shall be the duty of the Board of Directors to provide a suitable building or buildings, for the separate accommodation of the indigent laboring under contagious disease. Contagious diseases.

SEC. 12. In addition to the taxes to be assessed under the provisions of law now existing, or which may hereafter exist, the Board of Supervisors of each county, may annually assess such taxes, not exceeding one-fourth of one per cent. on all real and personal property in their respective counties, as may by them be deemed necessary and sufficient, for the care and protection of the resident indigent; which tax shall be collected in the same manner, at the same time, and by the same officers who are or may be appointed to collect county and State revenue; and the said taxes, when collected, shall be paid into the county treasury, and the Treasurer shall receipt therefor; and the money thus collected shall constitute and be known as the "County Infirmary Fund" of the county, and be used for the care and protection of the indigent, and shall be appropriated for no other object. Additional taxes.

SEC. 13. No money set apart under the provisions of this act,

Moneys how drawn.

for the benefit of the indigent, shall be drawn from the hands of the officer or officers having charge of the same, according to law, except upon presentation of the order of the Board of Directors, drawn on the County Infirmary Fund.

Not to be interested in

SEC. 14. No person having charge, care, keeping, or disbursing, of the funds provided for in this act or any part thereof, shall have any interest, directly or indirectly, in any undertaking or contracts made or entered into for the purpose of carrying out the object and intention of this act.

SEC. 15. It shall be lawful for the Auditor of a county in which a county infirmary may be situated, to receive any order

Orders, etc.

or orders, given by the Board of Directors of said institution, to any person or persons, for labor, provisions, medical attendance, or supplies of any kind, furnished for said institution, and to give an order on the County Treasurer, who shall receive the same and pay out of any money in his hands appropriated for that purpose.

To dispose and convey real estate.

SEC. 16. The Board of Directors shall have power to receive, dispose of, and convey, all real and personal property conveyed to them by gift, devise, or otherwise, for the use of the indigent, and said Board shall prosecute and defend any action at law, when the interests of the County Infirmary Fund requires it.

Removal of sick.

SEC. 17. If any person shall transport, remove, or bring, or cause to be transported, removed, or brought, any poor or indigent person from any city or county in this State, to any other city or county in this State, without lawful authority, and there leave such poor or indigent person, with intent to make such city or county chargeable with the support of such pauper, each and every person so offending, shall forfeit and pay the sum of one hundred dollars, for each and every such offense, for the use of the indigent of the city or county in which such pauper shall be left, to be recovered by action of debt, in the name of the State of California, before any court of competent jurisdiction.

SEC. 18. If any person shall willfully and without lawful authority, bring or cause to be brought into this State, any poor or indigent person or lunatic, without a protector, from any place without this State, and there leave, or attempt to leave such person, with intent to make the city or county, or city and county

Same.

in which such person shall be left or attempted to be left, chargeable with the support or maintenance of such person, each and every person so offending, shall forfeit and pay not less than one hundred nor more than six hundred dollars, for every such persons left or attempted to be left, to be recovered in the name of the State of California, in the action of debt, before any court of competent jurisdiction, for the use of the city or county wherein such poor or indigent person or lunatic shall be left or attempted to be left, as aforesaid; and any person or persons, guilty of either of the offenses specified in this section, shall be obliged to convey such poor or indigent person or lunatic person, out of this State, or shall give bond to the State of California, with security, to be approved of by the Treasurer of such city or county, for the maintenance of such poor or indigent person or lunatic; *provided*, however, that in every county, wherein the poor are supported in a county infirmary, the penalties

which may be collected under this act, shall be appropriated for the benefit of such county infirmary.

Offenses to be prosecuted.

SEC. 19. It shall be the duty of the Board of Directors and of the Prosecuting Attorneys of each county, whereof any of the offenses by this act provided against, shall be committed, to cause such offense to be prosecuted as soon as possible after the commission of such offense, and all such offenses shall be prosecuted by commencing proceedings within one year after the commission of the offense, and not thereafter; and in all cases where prosecution shall fail, the costs of court shall be taxed against,.and paid by, the county which would be entitled to the penalty if the prosecution had been successful.

Persons affected.

SEC. 20. "Indigent person" or "invalid" is defined to be every poor person who is blind, lame, old, sick, impotent, or decrepit, or in any other way disabled or enfeebled, so as to be unable by his or her work to maintain themselves, and as such come under the provisions of this act.

Power to apprentice.

SEC. 21. The Board of Directors of the county infirmaries shall have power to bind out to apprenticeship all such indigent children as may belong to the county infirmaries, in the same manner as that authorized by the provisions of the act entitled "An Act to provide for Binding Minors as Apprentices, Clerks, and Servants," approved April tenth, one thousand eight hundred and fifty-eight.

Exempt from taxation.

SEC. 22. Every county infirmary provided by any county for the reception and support of the indigent, and all real and personal property whatever belonging to or connected with the same, shall be exempt from all assessment and taxation levied either by the State or by any county, city, town, or village; and the Superintendent of every county infirmary established under the provisions of this act, shall be exempt from all service in the militia, from serving on juries, and from all assessments for labor on the highways.

Directors may make changes.

SEC. 23. The Board of Directors shall have power in their respective counties to change county hospitals into county infirmaries, or, after thirty days' notice in one or more newspapers of the county in which they may reside, to sell at public or private sale, and cause to be conveyed, any property belonging to the county, as county hospitals or pertaining thereto, appropriating the proceeds of such sale to the use of their respective county infirmaries.

Transfer of funds.

SEC. 24. The County Hospital Fund of the respective counties to which this act applies is hereby transferred to the Infirmary Fund of the same; and all moneys on hand or hereafter received in accordance with section eight of this act, shall be appropriated, as directed by section nine of this act, to the Hospital Fund of such counties as do not come under the provisions of this act.

To apply, conditionally.

SEC. 25. This act shall be in force only in those counties of this State whose Supervisors shall elect to adopt the system hereby established.

Counties exempted.

SEC. 26. The following counties are exempt from the provisions of this act: Humboldt, Placer, Yuba, Sacramento, Mendocino, Santa Cruz, San Luis Obispo, Shasta, Siskiyou, Sierra,

Calaveras, Yolo, Plumas, Nevada, Tuolumne, Sonoma, and Monterey.

CHAP. CCXLVIII.—*An Act to amend an Act entitled "An Act to confer upon the San Francisco and Marysville Railroad Company, Incorporated under the Laws of this State, certain Rights and Privileges," approved April twenty-fourth,* A. D. *one thousand eight hundred and fifty-eight.*

[Approved April 21, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of said act is hereby amended so as to read as follows:

Conditional grant.

SEC. 3. If the said incorporated company shall fail to construct and complete their said road from the city of Marysville to the Sacramento River, and to reclaim the swamp and overflowed lands lying between the mouth or sink of Butte Creek and the junction of the Sacramento and Feather rivers, within three years from the twenty-fourth of April, one thousand eight hundred and fifty-eight, then and in that event all the grants, concessions, and privileges, hereby proposed to be granted, are declared to be revoked, and null, void, and of no effect; and if the said company shall fail to construct and fully complete their said road, and reclaim all the swamp and overflowed lands herein proposed to be reclaimed, within four years from and after the twenty-fourth of April, one thousand eight hundred and fifty-eight, then and in that event the whole of the grants, concessions, and privileges, hereby proposed to be granted, are declared to be null, void, and of no effect; *provided*, there is nothing in this act or in the act to which this is amendatory, that shall be so construed as to annul or vitiate the title to any of said lands that have been purchased under an act entitled "An Act to provide for the Sale and Reclamation of the Swamp and Overflowed Lands of this State," approved April twenty-first, one thousand eight hundred and fifty-eight, or an act amendatory of an act entitled "An Act to provide for the Sale and Reclamation of the Swamp and Overflowed Lands of this State," approved April eighteenth, one thousand eight hundred and fifty-nine, or in any manner to prevent persons from purchasing said lands under said act[s] of one thousand eight hundred and fifty-eight and one thousand eight hundred and fifty-nine, any time prior to the reclamation of said lands.

To take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAP. CCXLIX.—*An Act making Appropriation for Deficiencies made for the Eleventh Fiscal Year, ending June thirtieth, one thousand eight hundred and sixty.*

[Approved April 21, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of four thousand dollars is hereby appropriated, out of any money in the General Fund, not otherwise appropriated, for the contingent expenses of the Senate; also, the sum of four thousand dollars as a Contingent Fund for the Assembly. Amount appropriated

SEC. 2. The sum herein appropriated shall be disbursed under the direction of the Senate and Assembly, respectively, and shall not be subject to any of the provisions of an act entitled "An Act to create a Board of Examiners, to define their Powers and Duties, and to impose certain Duties upon the Controller and Treasurer," approved April twenty-first, one thousand eight hundred and fifty-eight. Not subject to, etc.

SEC. 3. This act shall take effect from and after its passage. To take effect.

CHAP CCL.—*An act to provide for the Compensation of the Keepers of the County Jails in the Counties of Trinity, Napa, San Joaquin, Tehama, and Colusa, and the Payment for such services from the first day of November, one thousand eight hundred and fifty-eight.*

[Approved April 21, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors in and for the counties of Trinity, Napa, San Joaquin, Tehama, and Colusa, are hereby authorized and empowered to provide by the issuance of warrants for the payment of the services of the Keepers of the county jail[s] in said counties, since the first day of November, one thousand eight hundred and fifty-eight, and for the payment of such Jail Keeper for services hereafter rendered by him according to law, at a compensation not to exceed the sum of five dollars per day; *provided*, that nothing in this section shall authorize the Supervisors to provide for the compensation of said Jail Keeper for any time when there shall be no prisoner or prisoners actually confined in jail. Duty of Supervisors.

SEC. 2. Whenever any person owning any warrants or other evidence of indebtedness against said counties, heretofore issued in payment for the services of Jail Keepers in said counties, shall appear before the Board of Supervisors thereof, at any of their regular meetings, and shall deliver up any such warrant or evidence of indebtedness, for the purpose of a reissue of warrants under the provisions of this act, it shall be the duty of said Board

Warrants to be canceled.

of Supervisors to cancel every such warrant or evidence of indebtedness so delivered up, whereupon they shall become null and void; and the said Board of Supervisors are hereby authorized and empowered to issue in lieu of such canceled warrants for such sum or sums, not to exceed in amount the original warrant or evidence of indebtedness, as in their opinion shall be just and equitable, and all such warrants so reissued shall be valid and legal demands against the county; *provided*, that no issue of warrants, under the provisions of this section, shall be made after the first day of October, one thousand eight hundred and sixty.

To take effect.

SEC. 3. This act to take effect from and after its passage.

CHAP. CCLI.—*An Act amendatory of, and supplemental to, an Act entitled "An Act to establish Pilots and Pilot Regulations for the Port of San Francisco," passed May eleventh, one thousand eight hundred and fifty-four, and of the several Acts amendatory thereof.*

[Approved April 21, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of the Governor to appoint three experienced and competent citizens of the city and county of San Francisco, who, together with a person who shall be elected at a stated meeting to be called for that purpose by the Chamber of Commerce, and the President of the Chamber of Commerce of the port of San Francisco, shall constitute a Board of Pilot Commissioners for the port of San Francisco and all the waters inside of the bar passing through the mouth of the harbor of San Francisco.

Board of Pilot Commissioners appointed.

To make oath.

SEC. 2. The persons so appointed or elected members of said Board, shall, before entering upon their official duties, take an oath for the faithful discharge of the same, and shall hold their offices, each, at the pleasure of the power so appointing or electing them.

By-laws and rules.

SEC. 3. The Commissioners shall keep an office at San Francisco, and shall meet therein at least once in each month. They shall make by-laws and rules for their own government, not inconsistent with the provisions of the laws of this State or of the United States, and a majority shall constitute a quorum for the transaction of business.

Secretary.

SEC. 4. The Board may appoint a Secretary, whose duty it shall be to keep correct minutes of all the proceedings of the Commissioners, in books to be provided by them for that purpose, to receive all moneys and pay out the same, when ordered to do so by the Board, and to register the names of all pilots, with the date of their license and place of residence. The books and registers shall always be open to public inspection. His compensation shall be fixed by the Board of Pilot Commissioners.

SEC. 5. Neither the Commissioners nor Secretary, shall have any interest, directly or otherwise, in any pilot boat or the earnings thereof. Not to be interested.

SEC. 6. The Commissioners shall have power to appoint, in the manner prescribed in this act, such number of pilots for said port as they may deem necessary; *provided*, the number shall not exceed thirty.

SEC. 7. Persons applying to act as pilots for said port shall be American citizens, not under twenty-one years of age, and shall be rigidly examined by the Commissioners before two or more licensed pilots, touching their qualifications and knowledge of the management of square-rigged and other vessels, and of the tides, soundings, bearings, and distances, of the different shoals, rocks, bars, and points of land, and night-lights of the said harbor and bay; and, if deemed qualified, shall receive a license as pilot, and shall remain and continue as such during good behavior, and shall be removable only for cause as provided in sections nine, ten, twelve, thirteen, fifteen, twenty-two, and twenty-six, of this act; said license to be renewed annually. Qualification

SEC. 8. Every licensed pilot, previous to entering upon the discharge of his duties, shall give bond in the sum of five thousand dollars, payable to the State of California, for the faithful performance of his duties; which bond shall be approved by the Commissioners, and filed in their office. Shall give bond.

SEC. 9. The Commissioners shall have full power to suspend pilots for misconduct or inattention to their duty, and on proof, shall revoke their licenses; *provided*, due notice be given the pilot, and an opportunity allowed him to be heard in his own defense. May suspend.

SEC. 10. Every pilot who shall absent himself from his duty for more than one month, except on leave granted by the Commissioners or by reason of sickness, shall be considered as having forfeited his license. License forfeited.

SEC. 11. Every pilot on boarding a vessel, shall, at the request of the master, exhibit his license, and on refusal to do so shall be liable to a penalty of fifty dollars. To exhibit license.

SEC. 12. If any licensed pilot shall become habitually intoxicated, or shall be intoxicated while in charge of any vessel as a pilot, he shall be dismissed. Cause of dismissal.

SEC. 13. For carelessly or negligently losing a vessel, on conviction thereof, the pilot having charge of the vessel at the time shall be incapable ever after of acting as pilot, and shall, moreover, be liable on his bonds. Liable on bond.

SEC. 14. That it shall be the duty of every pilot in charge of a vessel arriving in the harbor of San Francisco, to have the vessel safely moored in such position as the master of the vessel, or Harbor Master may direct; and should the pilot be called on to have the vessel to the wharf, or drop her into the stream, before proceeding to sea, he shall do so without extra charge. To have vessel safely moored.

SEC. 15. When complaint is lodged with the Commissioners against a pilot for misbehavior or neglect of duty, it shall be reduced to writing and sworn to; notice thereof must then be given the pilot, and he shall be notified to appear within fifteen days to answer the complaint; if the answer be not satisfactory, Complaint.

he may be fined not exceeding five hundred dollars, or be deprived of his license, at the discretion of the Commissioners.

To renew bond.

SEC. 16. The Commissioners may require pilots to renew their bonds and sureties whenever they deem it necessary; *provided*, the persons on the bond are unable to qualify.

Liability of persons not pilots acting as such.

SEC. 17. Any person not holding a license as pilot, granted by the Commissioners, who shall pilot or offer to pilot, any ship or vessel to or from the port of San Francisco, by the way of the Heads, except such as are exempt by virtue of this act, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by a fine not exceeding five hundred dollars, or imprisonment not exceeding sixty days. The penalty named in this section shall not be incurred when the master of the vessel cannot procure a licensed pilot inward or outward; but, if the master of any vessel can procure the services of a licensed pilot, and refuses to accept such services, he shall not be held liable for the said penalty; but, should he afterwards employ a person not holding a license as pilot, granted by the Commissioners, to assist him in piloting his ship or vessel to or from the port of San Francisco, the person so employed shall incur and be liable for each and every offense to the full amount of such penalty.

Rules and regulations.

SEC. 18. The Commissioners may make all needful rules and regulations for the government of the pilots, and establish penalties for the breach thereof.

SEC. 19. Whenever a pilot is discharged from an outward bound vessel, the pilot boats on the station shall give all reasonable aid for taking out and receiving such pilot, as also for sending him to the city or quarantine.

Pilots carried to sea.

SEC. 20. Every pilot blown off or carried to sea against his will, when a boat is in attendance to receive him, shall be entitled to receive the sum of eight dollars a day while absent, which sum shall be paid by the masters or owners of the vessel so taking him away.

Pilotage.

SEC. 21. The pilotage from quarantine to the anchorage opposite San Francisco, and for piloting vessels about the harbor, shall be at such rates as may be agreed upon between the parties.

To render monthly accounts.

SEC. 22. Every pilot of the harbor of San Francisco shall, once in each month, render to the Pilot Commissioners an account of all moneys received by him, or by other persons for him, or on his account, and shall pay five per centum on the amount thereof, which, together with an additional five per centum which the pilots shall collect from each ship or vessel over and above the rates of pilotage established by law, shall be taken by the Commissioners in full for their official services and all expenses of their office; and, if any pilot shall make a false return of moneys so received, he shall forfeit his license, or a sum not exceeding five hundred dollars, at the discretion of the Commissioners.

To keep boat in good condition.

SEC. 23. Pilots shall at all times keep a boat in good condition, which shall not be less than forty tuns register, whether steam or sail; and no more than six pilots shall be in copartnership at any one time.

SEC. 24. Pilots heretofore appointed or who may hereafter be

appointed, shall conform to, and be governed by, the provisions of this act and such quarantine laws as may hereafter be enacted.

SEC. 25. That the hull and appurtenances of all vessels shall be held liable for pilotage fees, and Justices of the Peace of the city and county of San Francisco shall have jurisdiction of such cases as amount to two hundred dollars; and, if above that sum, the same may be secured in any District Court. Vessels liable for pilotage.

SEC. 26. The following shall be the rates of pilotage into or out of the harbor of San Francisco, and between Mare Island or Benicia:

From sea, on vessels arriving from foreign ports or from the Atlantic States, and on all vessels not sailing under a coasting license, arriving from Pacific ports in the United States within or out of California, seven dollars per foot draft of water—same rate outward bound. When the services of a pilot are offered inward and declined, half that rate to be paid. Rates of pilotage.

Vessels sailing under a coasting license, and employed in the coasting trade with the United States ports in the Pacific, shall be exempt from all pilotage, unless a pilot be employed, in which case the rate shall be three dollars and fifty cent[s] per foot draft.

Foreign and American men-of-war, ten dollars per foot draft, inward and outward.

Between San Francisco, Benicia, or Mare Island, the rate of pilotage shall be five dollars per foot each way whenever the services of a pilot is required; the pilot bringing the vessel in from sea, or one belonging to the same boat shall have the preference; but no pilotage to be charged when a pilot is not taken.

Foreign or American men-of-war, to or from Benicia or Mare Island, ten dollars per foot each way.

SEC. 27. That all vessels arriving at, or leaving, the harbor of San Francisco, shall be liable for rates of pilotage, as in section twenty-six. When a pilot is employed or when a vessel is spoken, and the services of a pilot is refused, the pilot first speaking shall be entitled to receive half pilotage, as provided in section twenty-six; and all vessels engaged in the whaling trade, arriving at, and departing from, this port, and taking a pilot, shall pay at the rate of one dollar per foot. Liability of vessels.

SEC. 28. Should any vessel arriving off the harbor of San Francisco and not entering said harbor, require the services of a pilot, while lying "off and on," or at anchor, the pilot shall be entitled to charge ten dollars per day for his services while so employed; excepting to vessels in the whaling trade, which shall pay five dollars per day for such services; *provided*, nothing herein shall be so construed as to repeal or in any manner affect, an act entitled "An Act to establish Pilot and Pilot Regulations for the Port and Harbor of Benicia and Mare Island," approved March twenty-ninth, one thousand eight hundred and fifty-six. Detention of pilots.

SEC. 29. The act entitled "An Act to establish Pilots and Pilot Regulations for the port of San Francisco," passed May eleventh, one thousand eight hundred and fifty-four, and amended April sixteenth, one thousand eight hundred and fifty-eight, and all acts and parts of acts conflicting herewith are hereby repealed. Acts repealed.

CHAP. CCLII.—*An Act to fix the Times of the Meeting of the Board of Supervisors of Del Norte County.*

[Approved April 21, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Meetings where held.

SECTION 1. The regular meetings of the Board of Supervisors of Del Norte County, shall hereafter be held at the county seat of said county, on the third Monday of February, May, August, and November, and shall continue until all the business before them is disposed of.

Not applicable.

SEC. 2. So much of section four of an act entitled "An Act to create a Board of Supervisors in the Counties of this State, and to define their Duties and Powers," passed March twentieth, one thousand eight hundred and fifty-five, as provides for and fixes the time of the regular meetings of Boards of Supervisors throughout the State, is hereby rendered inapplicable to the county of Del Norte.

CHAP. CCLIII.—*An Act supplementary to, and explanatory of, an Act entitled "An Act to authorize the Collection of State and County Taxes in the County of Mariposa," approved April sixth,* A. D. *one thousand eight hundred and sixty.*

[Approved April 21, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Mariposa County, before they shall cause to be entered upon the records of the Board the order which they are authorized to cause to be entered thereon, by virtue of "An Act to authorize the Collection of State and County Taxes in the County of Mariposa," approved April sixth, A. D. one thousand eight hundred and sixty, requiring the Tax Collector of that county to collect any unpaid or delinquent State, county, or town taxes, shall cause a notice, signed by the Clerk of the Board, to be published for the space of three weeks, in a newspaper published in the county of Mariposa, notifying all persons from whom unpaid or delinquent taxes may be due or the owners of the property upon which the same may have been assessed, that at the court-house of said county, on a certain day to be mentioned in said notice, they may appear before the said Board, to show cause why said taxes or the valuation put upon the property by the County Assessor or the Board of Equalization, should be reduced.

Delinquents to have notice.

Duty of Board.

SEC. 2. On the hearing before said Board, in pursuance of the notice authorized by the first section of this act, it shall be lawful, and it is hereby made the duty of said Board, to fix the valuation of said property, not exceeding the valuation and the

amount of taxes assessed thereon during the year one thousand eight hundred and fifty-nine.

SEC. 3. If the party or parties shall, within sixty days after the entry of the order last named by the Board of Supervisors, pay or cause to be paid to the Tax Collector of the county of Mariposa the full amount of delinquent and unpaid taxes provided to be fixed by the Board of Supervisors, then the receipt of said tax collection shall be a full discharge of all assessments, taxes, and liens, created thereby prior to the year one thousand eight hundred and sixty. If delinquents pay.

SEC. 4. Upon a failure to pay the taxes as provided for in this act, within the time fixed in last section, then the same shall be collected as provided for in the act of which this act is supplementary and explanatory, and this act shall have no force or effect. If they fail.

SEC. 5. This act, and the act of which this act is supplementary and explanatory, shall take effect within thirty days after the passage of this act. To take effect.

CHAP. CCLIV.—*An Act to create the Office of State Geologist and define the Duties thereof.*

[Approved April 21, 1860.]

The People of the State of California, represented in Senate and Assembly do enact as follows:

SECTION 1. J. D. Whitney is hereby appointed State Geologist, whose duty it shall be, with the aid of such Assistants as he may appoint, to make an accurate and complete geological survey of this State, and to furnish in his report of the same proper maps and diagrams thereof, with a full and scientific description of its rocks, fossils, soils, and minerals, and of its botanical and zoological productions, together with specimens of the same, which specimens shall be properly labeled and arranged, and deposited in such place as shall be hereafter provided for that purpose by the Legislature. Duties of Appointee.

SEC. 2. Said State Geologist shall, as near as may be, at the beginning of each session of the Legislature, present to the Governor, who shall lay the same before the Legislature, a report of progress, in which the operations of the geological survey during the preceding year shall be set forth, and its more important practical results made public. He shall also furnish such estimates as he shall deem proper of the amount of the appropriation which shall be required for the continuation of the survey. His report shall also embrace the amount of expense incurred up to that period. To make report of progress.

SEC. 3. On the completion of the survey the State Geologist shall prepare and present to the Governor a full and comprehensive report, embodying the results of the entire survey, with proper maps, diagrams, and drawings, of the same; and the Secretary of State is hereby directed to obtain the copyright for the Completion of survey.

same, as also of the annual reports of said Geologist for the benefit of this State.

Books may be sold.

SEC. 4. Whenever one or more volumes of the geological survey herein provided for shall be published, the Governor and Secretary of State may cause such books to be sold upon the most advantageous terms to the State; and any moneys derived from such sales shall be placed to the Common School Fund of the State.

To prepare survey for publication.

SEC. 5. The said Geologist shall prepare for and superintend the publication of his reports of the final results of the survey provided for in this act, and he shall present to the Legislature an estimate of the cost of such publication.

Compensation.

SEC. 6. The State Geologist shall receive for his compensation the sum of six thousand dollars per annum, payable monthly, and his Assistants shall receive such compensation as shall be determined upon by the Governor and said Geologist, which, together with the salary of the State Geologist, shall be audited by the State Controller, and paid out of the amount herein appropriated, or out of such appropriation as shall be hereafter made for that purpose; *provided*, that the compensation herein allowed shall be paid only from the time they shall enter upon the performance of their duties.

To notify Governor.

SEC. 7. Whenever the said J. D. Whitney shall notify the Governor of his acceptance of the appointment herein made, the Governor shall cause to be issued to said Whitney his commission under the seal of State; and if the said Whitney shall decline to serve as said Geologist, or die, or become unable to prosecute said survey, the Governer of this State is hereby authorized to appoint some suitable person to prosecute said survey.

If he declines Governor to appoint.

Amount appropriated.

SEC. 8. The sum of twenty thousand dollars is hereby set apart out of any moneys in the State treasury not otherwise appropriated, as a Special Fund for the payment of the expense incurred by said Surveyor.

To take effect.

SEC. 9. This act shall take effect from and after its passage.

CHAP. CCLV.—*An Act authorizing the Board of Directors of the State Library to Purchase certain Newspaper Files, and to provide for the Payment of the same.*

[Approved April 21, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Amount appropriated.

SECTION 1. The sum of twenty-five hundred dollars is hereby appropriated out of the State Library Fund, from any moneys not otherwise appropriated, to be drawn and expended by the Board of Directors, for the purchase of the volumes hereinafter set forth.

Directors to purchase.

SEC. 2. The Board of Directors of the State Library are hereby authorized and directed to purchase, for the use and purposes of the State Library, the following described volumes of the Cal.

ifornia newspaper files, paying therefor a sum not to exceed the amount appropriated in section first of this act:

First—The Californian, volume one, published in Monterey, from August fifteenth, one thousand eight hundred and forty-six to May sixth, one thousand eight hundred and forty-seven.

Second—The Californian, volume two, published in San Francisco, from May twenty-second, one thousand eight hundred and forty-seven, to May twenty-ninth, one thousand eight hundred and forty-eight.

Third—The California Star, volume one, from January ninth, one thousand eight hundred and forty-seven, to January first, one thousand eight hundred and forty-eight.

Fourth—The California Star, volume two, from January first, one thousand eight hundred and forty-eight, to June fourteenth, one thousand eight hundred and forty-eight.

Fifth—The Californian and Star, from November eighteenth, one thousand eight hundred and forty-eight, to December twenty-third, one thousand eight hundred and forty-eight.

Sixth—The Alta California, (weekly,) volume one, from January first, one thousand eight hundred and forty-nine, to January first, one thousand eight hundred and fifty.

Seventh—The Alta California, (tri-weekly,) from December tenth, one thousand eight hundred and forty-nine, to January twenty-second, one thousand eight hundred and fifty.

Eighth—The Daily Alta California, from January twenty-second, one thousand eight hundred and fifty, to January first, one thousand eight hundred and fifty-five.

CHAP. CCLVI.—*An Act to Audit the Claim of D. O. Mills & Co.*

[Approved April 21, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The claim of D. O. Mills & Co. Assignees of J. M. Anderson, for twelve hundred and eighty dollars, for services rendered by said J. M. Anderson, in copying, punctuating, and arranging, the journals of the sixth session of the Legislature, is hereby audited and allowed. Claim allowed.

CHAP. CCLVII.—*An Act to provide for the better Maintenance of the Indigent Sick of Calaveras County.*

[Approved April 21, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Calaveras County are hereby legally authorized to levy, annually, and cause to be collected, a special *per capita* tax, not to exceed the sum of one dollar for each taxable inhabitant thereof, to be appropriated to the maintenance of the indigent sick of Calaveras County.

Special tax.

SEC. 2. The tax specified by this act shall be collected in the same manner and by the same officers who are now empowered to collect the poll tax of said county. And the said tax, when collected, shall be paid into the county treasury; and the Treasurer shall receipt therefor, and the money thus collected shall be set apart and shall constitute and be known as the "Special Hospital Fund" of said county, and shall be used for the care and protection of the indigent sick of said county, and shall be appropriated for no other purpose.

Manner of collecting.

SEC. 3. The Treasurer of the county of Calaveras shall cause to be procured blank receipts for the tax herein provided, which receipts shall be signed by the Treasurer, and countersigned by the County Recorder, and by the Treasurer delivered to the Poll Tax Collectors, taking their receipts for the same, and making a registry of the same with the number thereof, in a book to be kept by him for that purpose.

Same.

SEC. 4. No money set apart under the provisions of this act for the benefit of the indigent sick shall be drawn from the hands of the Treasurer, except upon the presentation of an order from the Board of Supervisors drawn on the Special Hospital Fund.

Manner of drawing moneys.

SEC. 5. The provisions of this act shall take effect from and after its passage.

To take effect.

CHAP. CCLVIII.—*An Act to authorize the Sale of certain Real Estate by Guardians.*

[Approved April 21, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The legally appointed Guardian or Guardians of Blas Vicente Canet, minor heir of the estate of the late Vicente Canet, of San Luis Obispo County, deceased, is or are hereby authorized or empowered to sell at public or private sale, as shall be deemed most advantageous for the interest of said minor, the whole or any undivided interest of the said minor in the tract of land in the said county known as the "Rancho of San Bernardo."

Authorized to sell.

SEC. 2. The said Guardian or Guardians shall make a full re-

port of any and all such sales as shall be made by him or them to the Probate Court of said county, and the Judge of said court shall, either in term time or in vacation, in open court or in chambers, examine the same, and confirm or set aside the said sale or sales, as he may deem just and proper and for the interest of the said minor. The Guardian or Guardians is or are hereby authorized upon the confirmation of any such sale or sales, as hereinbefore provided, and upon the compliance on the part of the purchaser or purchasers with the term of such sale or sales, to execute, acknowledge, and deliver, to said purchaser or purchasers, a conveyance of the land so sold, which shall absolutely and forever convey to, and vest in, the grantee or grantees, all the right, title, interest, claim, demand, reversion, and remainder, legal and equitable, of the aforesaid minor in and to the property described in said deed or conveyance; *provided*, however, that no deed or conveyance for said real estate or any part thereof, shall be valid or convey any title, unless the sale shall have been confirmed by the Probate Judge aforesaid, previous to the execution of said deed or conveyance; and, *provided* further, however, that no such sale or sales shall be approved by said Probate Judge until said Guardian or Guardians shall have filed in said court a bond or bonds, with sufficient sureties, to the satisfaction of said Judge, in double the value of the real estate sought to be sold, conditioned for the faithful custody and disposition of the funds produced from said sale or sales for the benefit of said minor; and, *provided*, also, that the sureties on said bond or bonds shall justify as in case of bonds given under the civil practice act of this State.

To make full report.

SEC. 3. After any sale or sales shall have been made as aforesaid, the Guardian or Guardians shall proceed to ascertain the amount of indebtedness outstanding against said minor for his support, maintenance, and education, and all other accounts legally chargeable against said minor or his estate, and when ascertained, the said Guardian or Guardians shall report the same to the Probate Judge of said county. If the said demands are just and proper, the said Judge shall certify and allow the same, or any part he may think proper, and direct and empower the said Guardian or Guardians to pay and discharge the same.

Further duties.

SEC. 4. Any and all funds remaining in the hands of the Guardian or Guardians arising from said sale or sales, after the payment of the charges and expenses allowed by the court as aforesaid, shall be laid out and invested, under the direction of said Probate Judge, for the support, maintenance, and education, of said minor; and said Guardian or Guardians shall be liable on their bonds for the safe keeping and proper disposition of all such funds, in all respects, according to the general provisions of the statute concerning Guardians.

Disposition of funds remaining on hand.

CHAP. CCLIX—*An Act to authorize the Board of Supervisors of the City and County of Sacramento to allow, and the Auditor to audit, a Claim of Thomas C. Faris.*

[Approved April 21, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Claim allowed, conditionally.

SECTION 1. The Board of Supervisors of the city and county of Sacramento are hereby authorized to inquire into the merits of the claim of Thomas C. Faris, for building a bridge across a slough or big lagoon in said county, in one thousand eight hundred and fifty-six, and upon being satisfied of the justice of his claim, may audit and allow such sum as in their judgment may be due him; *provided*, the same does not exceed the sum of five hundred and eleven dollars.

To audit claim.

SEC. 2. The Auditor of said city and county of Sacramento is authorized to audit the claim aforesaid, when allowed by said Board of Supervisors.

CHAP. CCLX.—*An Act to authorize the Board of Supervisors of the County of San Mateo to subscribe to the Capital Stock of the San Francisco and San José Railroad Company.*

[Approved April 21, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Special election.

SECTION 1. It shall be the duty of the Board of Supervisors of the county of San Mateo to order a special election, to be held in said county, at the several places for holding elections therein, on the second Tuesday of July next, for the purpose of submitting to the qualified electors of the said county the proposition for the Board of Supervisors of said county to subscribe one hundred thousand dollars to the capital stock of the San Francisco and San José Railroad Company, by which a railroad communication shall be formed between the said city of San Francisco and San José, in the county of Santa Clara, in said State, by a line running from the said city of San Francisco through the county of San Mateo to San José aforesaid.

Notice to be given.

SEC. 2. It shall be the duty of the said Board of Supervisors to cause notice of at least twenty days to be published in some newspaper printed and published in said county, stating the proposition to be submitted to said electors, and the time and manner of voting thereon. It shall be the further duty of said Board of Supervisors to cause ballots to be prepared, with the words "Subscription of One Hundred Thousand Dollars to the San Francisco and San José Railroad Company" printed thereon. Every ballot in favor of said proposition shall have the word "Yes" written or printed thereon; and every ballot against said proposition shall have the word "No" written or printed thereon.

Sealed returns shall be made of the vote cast on said proposition, to the Clerk of said county, within ten days after the day of such election; on which tenth day the same shall be opened and counted by the said Board of Supervisors, and the result thereof declared by said Board.

SEC. 3. If, at the said election, a greater number of the electors of said county, voting upon said proposition, vote "Yes" than shall vote "No," then and in that event are the said Board of Supervisors, in the name of the said county, hereby authorized and directed to take and subscribe, for the use and benefit of said county, to the capital stock of the San Francisco and San José Railroad Company, for the purposes mentioned in section one of this act, stock to the amount of one hundred thousand dollars, and therefor to pledge the faith of said county for the payment of the same; *provided*, that said subscription shall be made and accepted payable in the bonds of said county, payable in not less than ten, or more than twenty, years, as said Board shall determine—said bonds to bear interest at the rate of ten per centum per annum, payable semi-annually, in San Francisco or New York; and the said Board of Supervisors are hereby authorized to issue such bonds for, and on behalf of, the said county, with coupons for the interest attached, the form and manner of the execution of which shall be determined by the said Board.

If electors so decide, Board to take stock.

SEC. 4. The said Board may appoint any one or more persons to cast all votes representing the capital stock so subscribed by them, and they shall, by order made for that purpose, have full power to sell, transfer, and assign, the same, upon a submission to the qualified voters of said county, at any general election, of a proposition to sell the same, and an approval thereof by a majority of the votes cast upon the question.

How stock to be represented.

SEC. 5. It shall be the duty of the said Board of Supervisors, previous to the making out of the general assessment list for said county in each year, to levy a tax, to be styled an "Interest Tax," sufficient to raise the amount of interest required to be paid each year on said bonds; and should there not be sufficient moneys at any time in the fund raised by said tax to meet any interest which may fall due upon the bonds issued in pursuance of this act, the additional amount of interest may be paid out of the General Fund of the county.

Interest tax levied.

SEC. 6. The said Board of Supervisors shall have all the rights and powers appertaining to any other subscriber to such capital stock, and shall receive all the dividends, rents, issues, and profits, of the shares acquired by such subscription as aforesaid.

Rights of Board.

SEC 7. The surplus of interest tax, if any such surplus shall be at any time collected—also all the dividends, rents, issues, and profits, aforesaid—shall constitute a fund, to be called the "Liquidation Fund;" and whenever there shall be in this fund money amounting to five thousand dollars or upwards, the said Board shall advertise for sealed proposals for the redemption of their outstanding bonds, which advertisement shall be published for the space of ten weeks, in a newspaper published in the city of San Francisco. The said Board shall open such proposals, and shall pay and liquidate, as far as the Liquidation Fund then on hand shall extend, such bonds presented under said proposals

Surplus.

as shall have the lowest value proposed at which they may be liquidated; *provided*, the same shall not be for more than the par value thereof; and, *provided* further, that the said Board of Supervisors shall have the power, if they shall deem it expedient, to apply the said moneys, as cash payments for their stock subscriptions, in lieu of bonds as is hereinbefore provided.

To take effect.

SEC. 8. This act shall take effect and be in force from and after its passage.

CHAP. CCLXI.—*An Act to authorize the Board of Supervisors of the City and County of Sacramento to Levy a Special Tax.*

[Approved April 21, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

To levy special tax

SECTION 1. For the purpose of enabling the city and county of Sacramento to pay for the ground selected as a site for the State capitol, the Board of Supervisors of the said city and county of Sacramento is hereby authorized and empowered to levy, immediately after the passage of this act, upon all the taxable property within the limits of the city of Sacramento, as assessed for the year A. D. one thousand eight hundred and fifty-nine, a special tax, not exceeding three-quarters of one per cent.; and said tax when so levied shall be a lien upon all property in said assessment for said year.

Clerk to make certified copy of assessment roll.

SEC. 2. It is hereby made the duty of the Clerk of the Board of Supervisors to make a certified copy of the assessment roll for said year, so far as to include the property in said city, which assessment is hereby adopted, and the value of the property in the same is made the basis for said tax, and deliver the same to the Collector of said city and county. It shall be the duty of the Tax Collector immediately after receiving said assessment roll to give notice by publication for ten days in one newspaper published in the city of Sacramento, notifying the tax payers of the fact, and that he is ready to receive the taxes levied and assessed under the provisions of this act, and he shall proceed at once to collect said taxes, and he is hereby authorized to enforce the collection of the same in the same manner and by the same process provided in the "Act to provide Revenue for the support of the State Government of this State," approved April twenty-nine, one thousand eight hundred and fifty-seven; *provided*, that all persons who come forward and pay the taxes herein provided for within twenty days after the first insertion of said notice, shall be entitled to a discount equal to ten per cent. on the gross amount of their taxes. It is further made the duty of the Collector, thirty days after receiving the tax list, to make out a list of the names of the persons on said assessment roll who have not paid their taxes, together with a description of the property on which the tax provided for in this act remains unpaid, which list he shall deliver to the District Attorney of the city and county of Sacramento, who shall at once proceed to enforce the

collection of said unpaid taxes, and to this end shall institute suits for the recovery of the same, under the provisions of an act entitled "An Act to provide for the Collection of the Delinquent Taxes of the City and County of Sacramento," approved April third, one thousand eight hundred and sixty, so far as the same are applicable; and the provisions of said act are hereby extended to, and made a part of, this act, for all remedial purposes.

Collector to pay over moneys.

SEC. 3. The Collector shall pay over all moneys collected under this act to the State Treasurer, who shall pay the same out on the order of the Commissioners named in the "Act to provide for the Construction of the State Capitol in the City of Sacramento;" and after the value of the property shall have been agreed upon between the owners thereof and the Commissioners, or ascertained as provided in said act, the Commissioners shall pay the same to the parties entitled thereto, or may pay the same into the District Court of the Sixth Judicial District for their benefit. They shall also pay all necessary expenses incurred in getting possession of the ground described in said act, and the balance of said tax collected, if any, shall be paid into the General Fund of the City of Sacramento.

Fees of Clerk and Collector.

SEC. 4. The Clerk of the Board of Supervisors shall receive out of the taxes collected under this act the sum of five hundred dollars, in full, for making said copy of the assessment roll; and the Collector shall retain as commissions on all sums by him collected under this act, two per cent. and the same shall be in addition to the salaries and fees at present allowed to said officers.

SEC. 5. If any taxes remain on said assessment roll unpaid on the second day of October, the same shall be added to the assessment roll of taxes for the year one thousand eight hundred and sixty, and shall be collected in like manner as other taxes for that year are collected.

To take effect.

SEC. 6. This act shall take effect and be in force from and after its passage.

CHAP. CCLXII.—*An Act to authorize the Board of Supervisors of the City and County of San Francisco to Subscribe to the Capital Stock of the San Francisco and San José Railroad Company.*

[Approved April 21, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Proposition to be submitted to people.

SECTION 1. It shall be the duty of the Board of Supervisors of the city and county of San Francisco to order a special election to be held in said city and county at the several places for holding elections therein, on the first Tuesday of July next, for the purpose of submitting to the qualified electors of the said city and county, the proposition for the Board of Supervisors to subscribe six hundred thousand dollars to the capital stock of the San Francisco and San José Railroad Company, by which a railroad communication shall be formed between the said city

of San Francisco and San José, in the county of Santa Clara, in said State, by a line running from the said city of San Francisco, through the county of San Mateo to San José aforesaid.

To give notice.

SEC. 2. It shall be the duty of the said Board of Supervisors to cause notice of at least twenty days to be published in some newspaper printed and published in said city and county, stating the proposition to be submitted to said electors, and the time and manner of voting thereon. It shall be the further duty of said Board of Supervisors to cause ballots to be prepared with the words "Subscription to the San Francisco and San José Railroad Company" printed thereon. Every ballot in favor of said proposition shall have the word "Yes" written or printed thereon; and every ballot against such proposition shall have the word "No" written or printed thereon. Sealed returns shall be made of the vote cast on said proposition to the Clerk of said city and county, within ten days after the day of such election; on which tenth day the same shall be opened and counted by the said Board of Supervisors, and the result thereof declared by said Board.

If electors so decide Board to subscribe to stock.

SEC. 3. If at the said election a greater number of electors of said city and county voting upon said proposition vote "Yes" than shall vote "No," then and in that event are the said Board of Supervisors, in the name of the said city and county, hereby authorized and directed to take and subscribe for the use and benefit of said city and county to the capital stock of the San Francisco and San José Railroad Company, for the purposes mentioned in section one of this act, stock to the amount of six hundred thousand dollars, and therefor to pledge the faith of the said city and county for the payment of the same; *provided*, that said subscription shall be made and accepted payable in the bonds of said city and county, payable in not less than ten nor more than twenty years, as said Board shall determine; said bonds to bear interest at the rate of ten per centum per annum, payable semi-annually in the city of San Francisco or the city of New York; and the said Board of Supervisors are hereby authorized to issue such bonds for and on behalf of the said city and county, with coupons for the interest attached, the form and manner of the execution of which shall be determined by said Board.

How stock to be represented.

SEC. 4. The said Board may appoint any one or more persons to cast all votes representing the capital stock so subscribed by them; and they shall, by order made for that purpose, have full power to sell, transfer, and assign, the same, upon a submission to the electors of said city and county, at any general election, of a proposition to sell the same and an approval thereof by a majority of the votes cast upon the question.

SEC. 5. It shall be the duty of the said Board of Supervisors, previous to the making out of the general assessment list for said city and county, in each year, to levy a tax, to be styled an "Interest Tax," sufficient to raise the amount of interest required to be paid each year on such bonds; and should there not be sufficient moneys at any time in the fund raised by said tax to meet any interest which may fall due upon the said bonds issued in pursuance of this act, the additional amount of interest may be paid out of the General Fund of the city and county.

SEC. 6. The said Board of Supervisors shall have all the rights and powers appertaining to any other subscriber to such capital stock, and shall receive all the dividends, rents, issues, and profits, of the shares acquired by actual subscription as aforesaid. Powers of Board.

SEC. 7. The surplus of interest tax, if any such surplus shall be at any time collected, also, all the dividends, rents, issues, and profits, aforesaid, shall constitute a fund to be called the "Liquidation Fund;" and whenever there shall be in this fund money amounting to five thousand dollars or upwards, the said Board shall advertise for sealed proposals for the redemption of their outstanding bonds, which advertisement shall be published for the space of ten weeks in a newspaper published in the city of San Francisco. The said Board shall open such proposals and pay and liquidate, as far as the Liquidation Fund then on hand shall extend, such bonds presented under said proposals as shall have the lowest value proposed at which they may be liquidated; *provided*, the same shall not be for more than the par value; and, *provided* further, that the said Board of Supervisors shall have the power, if they shall deem it expedient, to apply the said moneys as cash payments for their stock subscriptions in lieu of bonds as is hereinbefore provided. Surplus.

SEC. 8. This act shall take effect, and be in force, from and after its passage. To take effect.

CHAP. CCLXIII.—*An Act to Regulate Fees in Office in the County of Yuba.*

[Approved April 21, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Such fees are allowed to the officers hereinafter named, within the county of Yuba, for their services rendered in discharging the duties imposed on them by law, as are herein provided, and such officers may lawfully charge, demand, and receive, the same.

FEES OF CLERK OF THE DISTRICT COURT.

SEC. 2. For entering each suit on the Clerk's Register of actions, and making the necessary entries therein, during the progress of the trial, for each folio, twenty cents. Fees of Clerk District Court.

For issuing every writ or process under seal, fifty cents.

For issuing subpœna for one or more witnesses, twenty-five cents.

For filing each paper, twenty-five cents.

For entering every motion, rule, order, or default, twenty-five cents.

For entering every discontinuance, dismissal, or nonsuit, fifty cents.

For entering every cause on the calendar, and making a copy

thereof for the bar, for each term of the court, twenty-five cents.

For calling and swearing every jury, fifty cents.

For receiving and entering each verdict of a jury, fifty cents.

For entering every final judgment, for the first folio, one dollar; for each subsequent folio, twenty-five cents.

For filing judgment roll, fifty cents.

For entering judgment on judgment docket, twenty-five cents.

For entering satisfaction of judgment, fifty cents.

For administering every oath or affirmation, twenty-five cents.

For certifying every oath or affirmation, twenty-five cents.

For copy of any proceeding, record, or paper, for each folio, twenty-five cents.

For a copy of any map, for each course thereon, fifteen cents.

For letters and figures, for each folio, twenty cents.

For every certificate under seal, fifty cents.

For searching the files of each year in his office, (but not to charge suiters or Attorneys,) one dollar.

For issuing every commission to take testimony, fifty cents.

For taking down testimony of witnesses during the trial, for each folio, twenty cents—to be paid by the party requiring the same.

For issuing every execution or other final process, fifty cents.

For issuing every decree or order of sale of mortgaged property, fifty cents.

For issuing writ of injunction or attachment, fifty cents.

For entering judgment by confession, the same fees as in other cases of entering judgment.

For receiving and filing every remittitur from Supreme Court, and accompanying papers, and making the necessary entry thereupon, fifty cents.

For taking each bond required by law, fifty cents.

For taking justification thereto, fifty cents.

For acknowledgment of deed or other instrument, including all writing and the seal for each name thereto, one dollar.

When the court is sitting as a Court of Criminal Jurisdiction, the Clerk shall receive no fee or other compensation for any service whatever in a criminal action or proceeding, other than the salary hereinafter provided for such service.

FEES OF CLERK OF COUNTY COURT.

Of Clerk County Court.

SEC. 3. For filing all the papers sent on appeal from Justices' courts, on each cause, and making the necessary entries concerning the same, two dollars.

For all other services, the same fees as are allowed in the District Court for similar services.

FEES OF CLERK OF COURT OF SESSIONS.

Of Clerk Court of Sessions.

SEC. 4. The Clerk shall receive no fees or other compensation in criminal cases, other than the salary hereinafter provided for such service.

CLERK OF PROBATE COURT.

Of Clerk of Probate Court.

SEC. 5. For issuing letters testamentary or of administration, fifty cents.

For certificate of appointing Appraisers or Guardians, fifty cents.

For writing and posting notices when required, for each copy, fifty cents.

For recording wills, per folio, twenty cents.

For all other services, the same as are allowed the Clerk of the District Court for similar services.

For notice given by publication, in addition to the cost of publication, fifty cents.

SALARY OF CLERK IN CERTAIN CASES.

Salary of Clerk in certain cases.

SEC. 6. The Clerk, when acting as the Clerk of the District Court or Court of Sessions, in criminal cases or otherwise, for the county, and as the Clerk of the Board of Supervisors, and for all other duties chargeable to the county, shall receive a salary of fifteen hundred dollars per annum, payable quarterly, out of the county treasury.

FEES OF COUNTY RECORDER.

Fees of County Recorder.

SEC. 7. For recording any instrument, paper, or notice, when required, for each folio, twenty-five cents.

For copies of any record or paper, per folio, twenty cents.

For filing or receiving every instrument for record, and making the necessary entries thereon, twenty-five cents.

For making in the several indexes required, all the entries required of the filing and recording any instrument, paper. or notice, for every such instrument, paper, or notice, twenty-five cents.

For every certificate, under seal, to copies of papers or records, in his office, when required, fifty cents.

For every entry of dischage of mortgage on margin of record, fifty cents.

For searching records and files of each year, in his office, when required, fifty cents.

For abstract, or certificate of title, when required, for each conveyance or incumbrance, certified, twenty-five cents.

For recording every town plat, for every course, fifteen cents.

For figures and lettering plats and maps, per folio, fifty cents.

For taking and writing acknowledgments, including seal, for each signature, fifty cents.

For filing and entering a minute of certificate of Sheriff's sale, fifty cents.

For filing and entering a minute of certificate of tax sale, fifty cents.

For recording marriage certificate, one dollar.

For filing and keeping each paper not required to be recorded, and indorsing same, if required, fifty cents.

FEES OF SHERIFF.

Of Sheriff. SEC. 8. For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on every defendant, two dollars.

For traveling, in making such services, per mile, in going only, to be computed in all cases from the court-house of the county, thirty cents; *provided*, that if any two or more papers are required to be served in the same suit, at the same time, one mileage only shall be charged.

For taking bond or undertaking in any case in which he is authorized to take the same, one dollar.

For copy of any writ, process, or other paper, when demanded or required by law, for each folio, twenty cents.

For serving every notice, rule, or order, one dollar.

For serving a subpena, for each witness summoned, fifty cents.

For traveling, per mile, in serving each subpena or venire, in going only, but where two or more witnesses or jurors live in the same direction, traveling fees shall be charged only for the most distant, thirty cents.

For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, and with traveling fees as on summons, two dollars; but no traveling fee shall be allowed on such attachment, order of arrest, or order for the delivery of personal property, when the same accompanies the summons in the suit, and may be executed at the time of the service of the summons, unless for the distance actually traveled beyond that required to serve the summons.

For serving an attachment upon any ship, boat, or vessel, in proceedings to enforce any lien thereon created by law, two dollars.

For making and posting notices and advertising property for sale on execution, or under any judgment or order of sale, not to include the cost of publication in newspaper, two dollars.

For commissions for receiving and paying over money on execution or process, when lands or personal property has been levied on, advertised, and sold, on the first one thousand dollars, two per cent. and on all sums above that amount, one per cent.

For commissions for receiving and paying over money on execution without levy, or when the land or goods levied on shall not be sold, two per cent. on the first thousand dollars, and one per cent. on all over that sum; the fees herein allowed for the levy of an execution, and for advertising, and for making or collecting the money on an execution, shall be collected from the defendant by virtue of such execution, in the same manner as the sum therein directed to be made.

For drawing and executing every Sheriff's deed, to be paid for by the grantee, who shall in addition, pay for the acknowledgment thereof, three dollars.

For serving a writ of possession or restitution, putting any person entitled into possession of premises and removing the occupant, five dollars.

For travel in the service of any process not hereinbefore men-

tioned, for each mile necessarily traveled, in going only, thirty cents.

For attending, when required, on any court, in person or by Deputy, for each day, to be paid out of the county treasury, three dollars.

For bringing up a prisoner on *habeas corpus*, to testify or answer, in any court, or for examination as to the cause of his arrest and detention, or to give bail, one dollar; and for traveling each mile from the jail, in going only, thirty cents. He shall also be allowed such further compensation for his trouble and expense in taking possession of property under attachment or execution, or other process, and of preserving the same as the court from which the writ or order may issue shall certify to be just and reasonable.

For holding each inquest or trial of right of property, when required, to include all service in the matter except mileage, five dollars.

For making every arrest in a criminal proceeding, two dollars.

For serving each subpena in criminal proceedings, fifty cents.

For executing every sentence of death, twenty dollars.

For summoning a grand jury of sixteen, eight dollars.

For summoning each trial jury of twelve persons, six dollars; for each additional juror, fifty cents.

For service of any process in criminal cases, for each mile necessarily traveled, in going only, twenty cents; and the same mileage for taking prisoner before a magistrate or to prison. In serving subpena or venire in criminal cases, he shall receive mileage for the most distant only, where witnesses and jurors live in the same direction.

For all service in Justices' courts, the same fees as are allowed to Constables in like cases.

FEES OF CORONER.

Of Coroner.

SEC. 9. All services in summoning jury of inquest, three dollars.

For swearing a jury, one dollar.

For issuing a warrant of arrest, fifty cents.

For issuing subpena, for each witness, twenty-five cents.

For each mile necessarily traveled in going to the place of the dead body, twenty-five cents; which fees in all inquests shall be paid out of the county treasury, as other demands.

For all services rendered by them, when acting as Sheriffs, the same fees as are allowed to Sheriffs for similar services.

For swearing each witness, twenty-five cents.

For taking down the testimony of each witness, per folio, twenty cents.

FEES OF CONSTABLES.

Of Constables.

SEC. 10. For serving summons in a civil suit, for each defendant, fifty cents.

For summoning a jury before a Justice of the Peace, two dollars.

For taking a bond required to be taken, fifty cents.

For summoning each witness, twenty-five cents.

For serving an attachment against the property of a defendant, two dollars.

For summoning and swearing a jury to try the rights of property and taking the verdict, two dollars.

For receiving and taking care of property on execution, attachment, or order, his actual necessary expenses, to be allowed by the Justice who issued the execution, upon the affidavit of the Constable, that such charges are correct, and counter affidavits of the parties, and the expenses necessarily incurred.

For collecting all sums on execution, two per cent. to be charged against the defendant in the execution.

Constables shall receive in serving summons, attachment, order, execution, venire, notice, and subpena, in civil cases, for each mile necessarily traveled, in going only, but when two or more persons are served in the same suit, mileage shall only be charged for the most distant, if they live in the same direction, thirty cents.

For serving a warrant or order, for the delivery of personal property, or making an arrest in civil cases, two dollars.

For service and trial in criminal cases, the same fees as Sheriffs for like services.

For all other services, except attending court, the same fees as are allowed to Sheriffs for similar services.

FEES OF WITNESSES.

Of witnesses.

SEC. 11. For attending in any civil suit or proceeding, before any Court of Record, Referee, Commissioner, or Justice of the Peace, for each day, two dollars.

For traveling to the place of trial, for each mile, twenty cents.

No person shall be obliged to testify in a civil action, unless his fees for attendance have been tendered him, or he shall not have demanded the same; and no person shall be obliged in a civil action or proceeding, to attend as a witness without the county in which he resides, unless the distance be less than thirty miles from his place of residence, to the place of trial.

For criminal cases, no witness fees shall be allowed in Justices' or Recorders' courts; but in the District Court, and Court of Sessions, witnesses in criminal cases shall be allowed two dollars per day, and twenty cents per mile for traveling, one way only, from their residence; *provided*, that they reside more than five miles from the county court-house.

FEES OF JURORS.

Of Jurors.

SEC. 12. For each day, to be paid in civil cases by the party in whose favor the verdict is rendered, before the same shall be entered, but the same may be recovered as cost from the party losing the case, two dollars.

If in any trial in a civil case before any court, the jury be from any cause discharged without finding a verdict, the fees of the jury shall be paid by the plaintiff, but may be recovered back as cost, if he afterwards obtain judgment; until they are paid, no further proceedings shall be allowed in the action.

No person shall receive any compensation for serving on a Coroner's inquest.

No fees shall be allowed jurors in criminal cases, except grand jurors and trial jurors in the District Court and Court of Sessions, who may be allowed two dollars per day for each day's actual attendance, and twenty cents per mile from their residence to the county court-house only; *provided*, however, they shall receive nothing unless they reside more than five miles from said county court-house.

FEES OF COUNTY AUDITOR.

Of County Auditor.

SEC. 13. For making of the duplicates of the assessment roll, and subsequent assessment and footing up the valuation of property, and computing and carrying out the amount of taxes thereon, as required by law, so far as the same is chargeable to the county, and for all other service required by law of him, except in the matters of licenses, the County Auditor shall receive a salary of eight hundred dollars per annum, payable, quarterly, out of the county treasury.

In all matters of licenses and poll tax he shall receive the same fees as are now provided in such cases by law.

FEES OF JUDGES AND CLERKS OF ELECTION.

Of Judges and Clerks of Elections.

SEC. 14. For each day's attendance at any general or special election, the Inspector, Judges, and Clerks, of Election, shall each receive two dollars, to be audited and paid out of the county treasury, as other charges against the county.

FEES OF JUSTICES OF THE PEACE.

Of Justices of the Peace.

SEC. 15. For filing each paper, twenty-five cents.

Issuing any writ or process by which suit is commenced, fifty cents.

For entering each cause upon his docket, fifty cents.

For subpena to each witness, twenty-five cents.

For administering an oath or affirmation, twenty-five cents; for certifying the same, twenty-five cents.

For each certificate, twenty-five cents.

For issuing writ of attachment, or of arrest, or for the delivery of property, one dollar.

For entering any final judgment, per folio, for the first folio, one dollar; for each additional folio, twenty cents.

For taking and approving any bond or undertaking, directed by law to be taken or approved by him, twenty-five cents.

For taking justification to a bond, fifty cents.

For swearing a jury, fifty cents.

For taking depositions, per folio, twenty cents.

For entering satisfaction of a judgment, twenty-five cents.

For copy of judgment, order, docket, proceedings, or paper in his office, for each folio, twenty cents.

For transcript of judgment, per folio, twenty cents.

For issuing commission to take testimony, one dollar.

For issuing supersedeas to an execution, twenty-five cents.

For making up and transmitting transcript and papers on appeal, two dollars.

For issuing such warrant, one dollar.

For issuing an execution, twenty-five cents.

For celebrating marriage and returning certificate thereof to the Recorder, five dollars.

For all service and proceedings before a Justice of the Peace, in a criminal action or proceeding, whether on examination or trial, three dollars only.

For taking bail after commitment in criminal case, one dollar.

For entering cause without process, one dollar.

For entering judgment by confession, and only on affidavit, as required in the District Court, three dollars.

For entering every motion, sale, order, verdict, or default, twenty-five cents.

For service as Associate Justice of the Court of Sessions, for the time they sit in such court, only, five dollars per day.

INTERPRETERS AND TRANSLATORS.

Of Interpreters and Translators.

SEC. 16. Interpreters and Translators may be allowed such compensation for their services as the court shall certify to be necessary and just, to be taxed and collected as other costs, but the same shall not exceed five dollars per day.

FEES OF COUNTY SURVEYORS.

Of County Surveyors.

SEC. 17. For the first mile actually run with compass and chain, five dollars; for each succeeding mile, four dollars.

For each mile run with compass alone, three dollars.

For each lot laid out and platted, in any city or town, two dollars.

For recording a survey, two dollars.

For calculating the quantity of each division made in a tract of land, town lots excepted, one dollar.

For traveling to the place of survey, for each mile, in going only, fifty cents—the distance shall be computed from his place of residence, or from where his office is kept, to the place of survey; and if the County Surveyor shall be required and duly notified, verbally or otherwise, to make other surveys while in the discharge of his official duty in the field, he shall only be entitled to mileage from the place last surveyed by him; but if the distance shall be greater from the place last surveyed, where his services are required, he shall only be entitled mileage from the county seat of the county in which he lives; and in no case shall constructive mileage be allowed.

For ascertaining the location of every town lot in an old survey, and measuring and marking the same, three dollars.

For copies and certificates, per folio, twenty cents.

For erecting a monument at the corner of any survey, when required, two dollars.

For copy of a plat of any survey and certificate required by law to be transmitted to the Surveyor-General, two dollars—to be paid by party requiring the survey. Expenses of Assistants shall be an additional of four dollars per day, or as shall be agreed upon between the parties.

FEES OF PROBATE JUDGE.

Of Probate Judge.

SEC. 18. For every order or judgment, when not contested, one dollar.

When contested, two dollars.

SEC. 19. Fees allowed for services rendered by the County Judge, as Probate Judge, shall be collected by the County Clerk, who shall keep a full and accurate account of the same in a book kept separate and apart for that purpose. The County Clerk shall make a settlement at least once a month, with the County Treasurer, of the fees thus collected, and pay the amount in his hands into the county treasury and take his receipt therefor, and file the same with the County Auditor. His accounts shall always be open to inspection by any county officer or any person who may be interested therein. The County Treasurer, in a book kept specially for that purpose, shall keep a full account of all moneys thus received, which shall constitute a separate and distinct fund, and so much thereof as may be necessary for that purpose shall be applied to the payment of the salary of the County Judge, and the residue, if any, shall be paid into the county treasury; and it shall be a misdemeanor for a Probate Judge to receive any fees to his own use except in such manner as is provided in this section.

SEC. 20. An officer may refuse to perform any services in a civil action or proceeding, until the fee for such services is paid by the party requiring the service; *provided*, if any person shall make an affidavit before the County Judge, setting forth that he has a good cause of action or defense, and that he is unable to pay fees in advance, the County Judge may, in his discretion, make an order that the officer perform such services without any pay in advance, or may, in his discretion, require such person to give security for the costs, and then require such officers to perform such services; and it shall be the duty of such officers to obey such order of the County Judge so made.

DISTRICT ATTORNEY.

Of District Attorney.

SEC. 21. The District Attorney shall be allowed for his services a salary of one thousand dollars per annum, payable, quarterly, out of the county treasury, and such fees as are provided for by law.

TAX COLLECTOR.

Of Tax Collector.

SEC. 22. The Tax Collector shall be allowed for his services required by law for collecting the State and county taxes, and other duties appertaining to his office in respect thereto, two per cent. on the first one thousand dollars by him collected each year, and five per cent. on all sums over that amount. He shall receive the same fees and per centage for all poll taxes, foreign miners' licenses, and other licenses, by him collected, as are now provided by law for the collection of the same in the county of Yuba.

COUNTY TREASURER.

SEC. 23. The County Treasurer shall receive for his services

Of County Treasurer.

required by law two per cent. on all moneys by him paid out, and no other compensation or reward.

COUNTY ASSESSOR.

Of County Assessor.

SEC. 24. The County Assessor and his Deputies shall each be allowed eight dollars per day while necessarily employed in making the assessment on all that portion of Yuba County outside of the corporate limits of the city of Marysville; and, while necessarily and actually employed in making the assessment and completing the assessment roll within the corporate limits of said city, the said County Assessor shall be allowed six dollars per day, and his Deputies each five dollars per day, to be audited by the Board of Supervisors.

SUPERVISORS OF THE COUNTY OF YUBA.

Of Supervisors of Yuba County.

SEC. 25. The Supervisors of the county of Yuba shall each be allowed five dollars per day for each day's actual attendance at the meetings of the Board of Supervisors and the Board of Equalization, and mileage at the rate of twenty cents per mile, in going only from their residence to the county court-house; *provided*, however, that the Chairman of the Board of Supervisors shall receive no other or greater compensation than that provided in this act.

MISCELLANEOUS PROVISIONS.

To keep table of fees.

SEC. 26. Every officer whose fees are herein ascertained shall publish and set up in his office fair tables of his fees according to this act, within one month after this act goes into effect, in some conspicuous place, for the inspection of all persons who have business in his office, upon pain of forfeiting for each day a sum not exceeding twenty dollars, which may be recovered by any person by action before any Justice of the Peace of the same county, with costs.

Costs to be tendered before publication is made.

SEC. 27. When by law any publication is required to be made by an officer, of any suit, process, notice, order, or other paper, the costs of such publication shall be first tendered by the party, if demanded, for whom such process or order was granted, before the officer shall be compelled to make publication thereof.

Execution for fees.

SEC. 28. If any Clerk, Sheriff, Justice of the Peace, or Constable, shall not have received any fees which may be due him for services rendered in any suit or proceeding, he may have execution therefor, in his own name, against the party from whom they are due, to be issued from the court in which the action is pending.

To require searches.

SEC. 29. The Secretary of State, State Treasurer, and Controller, the Attorney-General, and District Attorneys, shall be authorized to require searches in the respective offices, of the officers whose fees are herein provided for, and in the office of the Clerk of the District Court, of the County Court, Court of Sessions, or Recorder's [Court], for any papers, records, or documents, necessary to the discharge of the duties of their respective offices, and to require copies thereof and extracts therefrom, without the payment of any fee or charge whatever.

Term "Folio" defined.

SEC. 30. The term "folio," when used as a measure for computing fees or compensation shall be construed to mean one hundred words, counting every figure necessarily used as a word. Any portion of a folio, when in the whole draft or paper should there not be a complete folio, and when there should be an excess over the last folio exceeding a quarter, shall be computed as a folio. The filing of a paper shall be construed to include the certificate of the same.

Mileage.

SEC. 31. When any Sheriff, Constable, or Coroner, serves more than one process in the same cause, not requiring more than one journey from his office, he shall receive mileage only for the most distant service.

Not allowed fees.

SEC. 32. No Attorney or Counselor-at-Law in any case, shall be allowed any fees for attendance as a witness in such cause.

Requirements of officers.

SEC. 33. Every officer upon receiving any fees for official duty or services, may be required by the person paying the same, to make out in writing and deliver to such person, a particular account of such fees, specifying for what they respectively accrued, and shall receipt for the same; and if he refuse or neglect to do so, when required, or shall receive illegal fees, he shall be liable to the party paying for three times the amount so paid.

No fees for administering oath.

SEC. 34. No fees shall be charged by any officer for administering and certifying the oath of office.

No fees other than herein enumerated.

SEC. 35. Officers whose fees and compensation are set forth in this act, shall not be entitled to charge or receive any fees, compensation, or salary, not herein enumerated and provided for.

May compel attendance of witnesses without tender of fees.

SEC. 36. The Attorney-General, or any District Attorney, is authorized to cause subpenas to be issued, and compel the attendance of witnesses on behalf of the State, without paying or tendering fees in advance to any officers or witnesses; and any witness failing or neglecting to attend, after being served with a subpena, may be proceeded against, and shall be liable in the same manner as provided by law in other cases where fees have been tendered or paid.

Clerk to issue certificate.

SEC. 37. The Clerk of any court, at which any witness shall have attended on behalf of the State in a civil action, shall give to such witness a certificate, under seal, of travel and attendance, which shall entitle him to receive the same from the State treasury on the Controller's warrant.

No other fees shall be charged.

SEC. 38. No other fees shall be charged than those specially set forth herein, nor shall any fees be charged for any other services than those mentioned in this act.

Fee book.

SEC. 39. It shall be the duty of each and every of said officers, hereinbefore mentioned, to keep severally a book, to be called a "Fee-Book," in their respective offices, open to the inspection of any one desiring to inspect the same, in which book shall be stated the fees charged, and the services for, and the title of the case in which they are charged; and it shall be the duty of the District Attorney to inspect said books at least once in every three months; and the Foreman of each and every grand jury shall also have the same before him, and shall examine the same.

SEC. 40. The provisions of sections thirty-seven and thirty-eight of this act, shall extend to all actions and proceedings

brought in the name of the Attorney-General, or any other person or persons, for the benefit of the State.

Repealing clause.

SEC. 41. An act entitled "An Act to regulate Fees in Office," approved April tenth, one thousand eight hundred and fifty-five, excepting and reserving section seventy-three of that act; and an act supplementary thereto, approved April thirty, one thousand eight hundred and fifty-five; and an act entitled "An Act to amend 'An Act to regulate Fees in Office,'" approved April thirty, one thousand eight hundred and fifty-five; and an act entitled "An Act amendatory of an Act entitled 'An Act to regulate Fees in Office,'" approved April one, one thousand eight hundred and fifty-six; and an act entitled "An Act to amend 'An Act to regulate Fees in Office,'" approved April five, one thousand eight hundred and fifty-six, so far as they affect the county of Yuba; and an act entitled "An Act to regulate Fees in Office in the County of Yuba," approved April twenty-eight, one thousand eight hundred and fifty-seven; and an act entitled "An Act to amend an Act entitled 'An Act to regulate Fees in Office in the County of Yuba,'" approved April twenty, one thousand eight hundred and fifty-seven, approved April twenty-four, one thousand eight hundred and fifty-eight; and an act entitled "An Act to amend an Act entitled 'An Act to regulate Fees in Office in the County of Yuba,'" approved April twenty-eight, one thousand eight hundred and fifty-seven, approved April twenty-six, one thousand eight hundred and fifty-eight, and all other acts or parts of acts inconsistent or in conflict with the provisions of this act, are hereby repealed.

To take effect.

SEC. 42. This act shall take effect on the first Monday of January, A. D. one thousand eight hundred and sixty-two; *provided*, however, that sections eleven and twelve shall take effect immediately.

CHAP. CCLXIV.—*An Act to provide for the Collection of Delinquent Taxes in the County of Colusa.*

[Approved April 21, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Acts legalized.

SECTION 1. The assessments of taxes upon all property, both real and personal, in the county of Colusa, whether for State, county, or other purposes, for the fiscal year ending on the first day of March, one thousand eight hundred and fifty-nine, and for the fiscal year ending on the first day of March, one thousand eight hundred and sixty, are hereby legalized and confirmed, and rendered valid and binding, both in law and equity, against the persons assessed.

To commence proceedings.

SEC. 2. The District Attorney of the county of Colusa is hereby authorized and directed to commence civil actions, in the name of the people of the State of California, in any of the courts in said county, whether the defendant be a resident of the township or county in which the court is located or not, to

recover the unpaid taxes in said county for the fiscal years mentioned in the last section, and he shall designate in his complaint the amount of taxes due and unpaid for State, county, and other purposes, separately, and shall state the kind and quantity of property assessed, both real and personal, and if real, describe the same; and the defendant shall not be allowed to set up or show any informality in the levy or assessment as a defense, such defendant being allowed only to plead

First—That the taxes had been paid before suit; or,

Second—That he had not the property mentioned in the complaint at the time of assessment, and has never been liable to pay said taxes.

And no answer shall be filed in any such case unless the same be verified by oath.

Delinquent lists evidence.

SEC. 3. The delinquent tax lists for said fiscal years, duly certified by the proper officer, shall be delivered to the District Attorney; and the said delinquent lists, or the original, or duplicate assessment rolls, or a copy of any entry therein, duly certified, showing unpaid taxes against any person or property, shall be evidence in any court to prove the delinquency, property assessed, the amount of taxes due and unpaid, and that all the forms of law in relation to the levy and assessment of such taxes have been complied with; and neither the delinquent tax lists nor the assessment rolls need be filed in any case.

SEC. 4. Judgments rendered in such cases in the District Court shall be docketed, and become liens upon all property of the defendants liable to taxation, and may be enforced against the same; and the District Attorney may file transcripts of judgments rendered in Justices' courts, under this act, with the County Clerk, who shall thereupon docket such judgments, and they shall become liens from and after such docket entry, in like manner as judgments rendered in the District Court under this act; and the County Clerk may issue execution on such docketed Justices' judgments as on judgments rendered in the District Court.

Certain act applicable.

SEC. 5. "An Act to regulate Proceedings in Civil Cases in the Courts of Justice of this State," so far as the same is not consistent with the provisions of this act, is hereby made applicable to proceedings under this act; and any deed derived from a sale of real property under this act shall be conclusive evidence of title, except as against actual frauds or prepayment of the taxes, and shall entitle the holder thereof to a writ of assistance from the District Court to obtain possession of such property; *provided*, that the Sheriff in selling said property shall only sell the smallest quantity that any purchaser will take, and pay the judgment and all costs; and, *provided* further, that when the property sold belongs to minors or persons under legal disability, they shall have until six months after said disability is removed to redeem said property, by paying the whole bid, all subsequent taxes, and interest. All moneys collected under this act, except costs and charges, shall without delay be paid to the Treasurer of the said county, to be distributed in the proper funds; and each collection and the date thereof shall be entered opposite the proper name or property in the delinquent tax lists, which shall be open to public inspection.

Unknown owners.

SEC. 6. If the name of the owner of any property upon which the taxes remain unpaid be unknown, or if the same has been assessed to an unknown owner, the person liable to pay the taxes thereon may be sued by a fictitious name and the summons be served in such manner as the court may direct; and a deed derived from the sale of such property under the provisions of this act, shall be equally conclusive against the true owner of such property as if the action had been prosecuted against said owner by his real name.

Compensation.

SEC. 7. For services rendered under this act the District Attorney shall be entitled to a compensation equivalent to fifteen per cent. on the amount recovered, to be added thereto if paid before judgment, and if not so paid, then five per cent. to be added to, and constitute a part of, the judgment; and all officers shall perform such services as may be required of them under this act, without the payment of fees in advance, but they may charge and receive to their own use such fees as are allowed for similar services in other cases; *provided*, such fees are collected of the defendants, and in no case shall the county be liable for services rendered under this act; and, *provided* further, that the District Attorney shall not commence the suit authorized by this act against a person, after being served with a duplicate receipt of the County Treasurer for the total amount of taxes and charges due from such person upon a piece of property and ten per cent. additional thereto; and if any person shall fail to serve said receipt, he shall pay all costs that may result from his negligence.

What subject to provisions of act

SEC. 8. All taxes and assessments levied and remaining unpaid, or which remain unpaid for thirty days after the same shall become wholly due, shall be deemed and held to be subject to the provisions of this act, and their payment may be enforced in like manner as provided for the collection of delinquent taxes under this act.

To take effect.

SEC. 9. This act shall take effect and be in force from and after its passage.

CHAP. CCLXV.—*An Act to authorize the Secretary of State to sell certain Refuse Stationery belonging to the State.*

[Approved April 21, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Refuse stationery.

SECTION 1. The Secretary of State is hereby authorized to sell, either at private or public sale, such stationery as may be on hand at the adjournment of the present session of the Legislature; *provided*, that none be sold except such as is unfit for the use of the Legislature and State officers.

SEC. 2. The Secretary of State shall pay the amount received from the sale authorized by this act into the General Fund of State treasury.

CHAP. CCLXVI.—*An Act to provide for the Settlement of all Claims against the State of California, arising out of, or connected with, the Contract made on the twenty-sixth of March, one thousand eight hundred and fifty-six, between the State and the late James M. Estell, for the lease of the State Prison and Convict Labor, and to procure the Cancellation of said Contract, and the Surrender of the State Prison to the State.*

[Approved April 21, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Governor, Attorney-General, and State Treasurer, are hereby appointed a Board of Commissioners, with authority and power to compromise and settle with John F. McCauley and Lloyd Tevis, Assignees of James M. Estell, deceased, all claims against the State of California, held by them or either of them, and arising out of, or in any manner connected with, the contract made on the twenty-sixth of March, one thousand eight hundred and fifty-six, between the State of California, by Robert M. Anderson, Lieutenant-Governor, George W. Whitman, Controller, and Henry Bates, Treasurer of the State, composing the Board of State Prison Commissioners, of the one part, and the said James M. Estell, of the other part, for a lease of the State prison and convict labor for a term of five years. Empowered to settle.

SEC. 2. The said Commissioners shall have power to make such compromise and settlement upon the following terms and conditions, and not otherwise:

First—That the said McCauley and Tevis shall release the State from all claims and demands whatsoever, for any and all sums of money due or to become due under said contract, or for any violation thereof; that they shall consent to the recision and cancellation of said contract, and shall deliver up to said Commissioners for the State, the State prison convicts, and all the property of the State, known as the State prison property, in their possession or the possession of either of them. On what terms.

Second—That the said McCauley shall release John B. Weller, late Governor of the State of California, and all other persons who acted under his authority and direction, from all claims and demands whatsoever, for the taking and detention by him or them, at any time heretofore, of any property of the said McCauley, and shall also release the State from all claims and demands for property of the said McCauley, taken by the said Weller or by any person acting under his authority, and which has not been heretofore restored to the said McCauley.

Third—That the amount to be paid to said McCauley and Tevis, upon such compromise and settlement, shall not exceed the sum of two hundred thousand dollars; one-half of the amount which the Commissioners may agree as due Mr. McCauley, shall be paid in cash, and the remainder upon the expiration of six months.

SEC. 3. Upon any settlement being agreed upon under authority of this act, the said Commissioners are authorized to demand and receive from the State Controller, and said Controller

If settlement made, Controller to draw warrants.

is required to deliver to said Commissioners, his warrants, drawn upon the State Treasurer, payable to the order of said Commissioners, in such sums as may be designated by said Commissioners, not to exceed in the aggregate the sum of two hundred thousand dollars; *provided*, that not more than one-half of said warrants shall be payable immediately, and the balance thereof shall be payable six months after their date, and it shall be so expressed on their face; and the said Commissioners are authorized to indorse said warrants in blank, and upon the surrender to them of the State prison, State prison convicts, and State prison property, and the delivery to them by said McCauley and Tevis, of written instruments of release, good and sufficient to carry into effect the terms of the compromise, the said Commissioners are authorized to deliver said warrants to said McCauley and Tevis.

Treasurer to pay.

SEC. 4. The Treasurer of State is hereby directed and required to pay all warrants drawn under the provisions of this act, whenever they shall be payable and shall be presented for payment; and for the payment thereof, the sum of one-half thereof is hereby specifically appropriated out of the General Fund, and the further sum which may be agreed upon as the balance due upon a compromise, shall be paid out of any moneys in the treasury not otherwise appropriated, and which shall not have been heretofore specifically appropriated.

Papers to be filed.

SEC. 5. All instruments of writing received by said Commissioners from said McCauley and Tevis, shall be filed in the office of the Secretary of State.

To report to next Legislature.

SEC. 6. The Board of Commissioners shall make a full and complete report in writing, of all their proceedings and awards under this act, and submit the same to both houses of the next Legislature.

Prison to revert to State.

SEC. 7. Whenever the settlement contemplated in this act shall be made, the State prison, prisoners, and all the property connected therewith, shall be taken possession of by the Board of Directors of the State prison, who shall conduct the management thereof according to law.

To take effect.

SEC. 8. This act shall take effect from and after its passage.

CHAP. CCLXVII.—*An Act to amend an Act entitled "An Act to Incorporate the City of Santa Barbara," passed April eighteenth, one thousand eight hundred and sixty.*

[Approved April 23, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section third of said act is hereby amended so as to read as follows:

Trustees when elected

Sec. 3. The annual election for Trustees, under the provisions of this act, shall be held the present year on the first Tuesday in July, and on the first Monday of January each year there-

after. The election for said Trustees shall be conducted in all respects according to the provisions of the general election law of the State; and the returns of said election shall be made to the County Clerk of Santa Barbara County, within five days after the election; and said County Clerk, within five days thereafter, shall issue a certificate of election to each of the persons elected.

SEC. 2. This act shall take effect immediately after its passage. To take effect.

CHAP. CCLXVIII.—*An Act to Audit and Allow the Claim of Charles A. Clark.*

[Approved April 23, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The claim of Charles A. Clark, for the sum of five thousand dollars, for expenses incurred and services rendered in arresting and bringing to justice numerous murderers and outlaws during the year one thousand eight hundred and fifty-five, is hereby audited and allowed. Claim allowed.

CHAP. CCLXIX.—*An Act amending an Act entitled "An Act to Incorporate the Town of Auburn," approved March thirtieth, one thousand eight hundred and sixty.*

[Approved April 23, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of said act is hereby amended so as to read as follows:

SEC. 5. In addition to the Board of Trustees, the officers of the town shall consist of a Clerk, Treasurer, Assessor, and a Marshal, who shall also be the Collector of all taxes levied by the Board of Trustees, and no other. The Board of Trustees shall appoint all of said officers. Additional officers.

SEC. 2. This act shall take effect and be in force from and after its passage. To take effect.

CHAP. CCLXX.—*An Act supplemental to "An Act approved April twenty-ninth, one thousand eight hundred and fifty-seven, to provide Revenue for the Support of the Government of this State from a Tax to be Levied and Collected from Foreign and Inland Bills and other matter;" also "An Act to amend Section One of An Act entitled 'An Act to provide Revenue for the Support of the Government of this State from a Tax to be Levied and Collected from Foreign and Inland Bills and other matters,'" approved April twenty-ninth, one thousand eight hundred and fifty-seven, approved April twenty-sixth, one thousand eight hundred and fifty-eight.*

[Approved April 23, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

To appoint Inspectors of Stamps.

SECTION 1. The Governor, by and with the advice and consent of the Senate, shall appoint two Inspectors of Stamps, to reside at the city of San Francisco, at a salary not exceeding one hundred dollars per month, each to continue so long as they shall perform the duties hereinafter provided; and each of the Stamp Inspectors, in addition to his salary, shall receive seven per cent. upon any amount received by the State Treasurer for stamp duties, exceeding thirty-five thousand dollars for each quarter of a year; *provided*, the salary and per centage, both in the aggregate, shall not exceed two hundred and fifty dollars per month.

SEC. 2. The duties of the Stamp Inspector[s] shall be to examine the stamps issued, and the Stamp Inspector[s], or one of them, shall immediately on the clearance of any steamer or vessel at the custom-house of the port of San Francisco for any port without the limits of this State, with treasure on board, proceed to the place of business of the agent, agents, shipper, or shippers of such treasure, if in the city of San Francisco, or on board such steamer or vessel, and examine the bills of lading of such treasure if there in the hands of the agent, agents, shipper, or shippers, Captain, Purser, or any other person on board such steamer or vessel authorized to hold the same, to see that such bills of lading of treasure are stamped according to law. The Stamp Inspectors or one of them, shall, on the sailing of any steamer or vessel from the port of San Francisco to any port without the limits of this State, be on board such steamer or vessel and examine the tickets, contract, or memoranda, for passage held by the passengers or issued to them, to see that such tickets, contract, or memoranda for passage, are stamped according to law; also to inspect the records of policies of insurance issued at the city of San Francisco, and to perform such other duties as may be required of them by the Commissioners of stamps.

Duties of.

SEC. 3. The agent, agents, shipper, or shippers, Captain, Purser, or any other person authorized to hold the original bill of lading of a shipment of treasure, shall, on the application of either of the Stamp Inspectors, exhibit to him the original bill of lading of such treasure and passengers in any steamers or vessels about to leave the port of San Francisco for any port without

Agent, etc. to exhibit bill of lading, etc.

the limits of the State, shall, on the application of either of the Inspectors, exhibit to him their tickets, contract, or memoranda for passage, and in case no ticket, contract, or memoranda, for passage has been issued to passengers on board such steamer or vessel, the Inspector shall ascertain the number of first cabin, second cabin, and steerage, passengers, on board; and the Captain or Purser of any steamer or vessel shall, before such steamer or vessel pass Fort Point, in the harbor of San Francisco, outward bound, pay over to the Inspector on board, the sum of six dollars for each first cabin passenger, four dollars for each second cabin passenger, and two dollars for each steerage passenger on board such steamer or vessel; and the Inspector shall pay over the amount so collected, monthly, to the State Treasurer, and file a sworn statement at the same time with the Controller of State, showing the number and class of passengers upon which such duties have been collected; Agents of Insurance Companies at the city of San Francisco, on the application of either of the Stamp Inspectors, shall exhibit to him their receipt of policies issued. Any person or persons refusing to comply with the provisions of this section, shall be deemed guilty of a misdemeanor, and shall be fined, upon conviction thereof, before any court of competent jurisdiction, for each offense, a sum not less than two hundred dollars, or more than one thousand dollars, the amount recovered to be paid into the State treasury.

Persons refusing, guilty of misdemeanor.

SEC. 4. The sum of three thousand dollars is hereby appropriated and set apart from the General Fund, for the payment of the salaries of the Stamp Inspectors; and in case the receipts from stamp duties exceed thirty-five thousand dollars for a quarter of a year, the State Controller is hereby authorized on the expiration of each quarter of a year, to ascertain the amount of excess, if any, and allow the Stamp Inspectors seven per cent. each, thereon, and thereupon to draw his warrant for such amount as may be found due them on the General Fund.

Amount appropriated

SEC. 5. Before entering upon the discharge of their duties, each Stamp Inspector shall file a bond to the State of California, with sufficient sureties, in the sum of ten thousand dollars.

To give bond.

SEC. 6. The Stamp Inspectors hereby created, are authorized to administer such oaths as may be necessary to compel obedience to the provisions of this act.

SEC. 7. This act shall take effect from and after its passage.

To take effect.

CCLXXI.—*An Act to Audit the Claim of Caroline M. Robertson.*

[Approved April 23, 1860.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The claim of Caroline M. Robertson, Administratrix of Thomas Robertson, deceased, for the sum of one hundred and eighty dollars, for services rendered by John H. Stewart, as Assistant Secretary of the Senate during the year one thousand

Claim allowed.

eight hundred and fifty-four and duly assigned to said Thomas Robertson, is hereby audited and allowed.

CHAP. CCLXXII.—*An Act to authorize the Town of Auburn to Take and Subscribe Fifty Thousand Dollars to the Capital Stock of the Sacramento, Placer, and Nevada, Railroad Company, and to provide for the Payment of the Same.*

[Approved April 23, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Special election.

SECTION 1. It shall be the duty of the Board of Trustees of the town of Auburn to call a special election in said town for the purpose of submitting to the qualified electors of said town the proposition for said town to subscribe fifty thousand dollars to the capital stock of the Sacramento, Placer, and Nevada, Railroad Company.

Notice to be given.

SEC. 2. At any time after the passage of this act, whenever twenty-five citizens and tax payers of said town of Auburn shall petition the Board of Trustees to that effect, it shall be the duty of said Board of Trustees to cause notice, of at least twenty days, to be published in the *Placer Herald*, published at Auburn, stating that said proposition will be submitted to said qualified electors, and the time and manner of voting thereon. Said Board of Trustees shall also cause ballots to be prepared, with the words "Subscription to the Sacramento, Placer, and Nevada, Railroad Company" printed thereon. Every ballot in favor of said proposition shall have the word "Yes" written or printed thereon, and every ballot against said proposition shall have the word "No" written or printed thereon. The ballots shall be opened and counted in the same manner as the ballots for corporation officers of said town, and when opened and counted the Board of Trustees shall declare the result.

If electors so decide, Board to take stock.

SEC. 3. If at said election a greater number of the electors of said town voting on said proposition shall vote "Yes" upon said proposition than shall vote "No," then and in that event said Board of Trustees is hereby authorized, empowered, and directed, in the name of and on behalf of said town of Auburn, and for the use and benefit of said town, to take and subscribe to the capital stock of the Sacramento, Placer, and Nevada, Railroad Company, fifty thousand dollars.

SEC. 4. Said subscription shall be made by said Board of Trustees, who shall perform that duty immediately thereafter.

Bonds at par.

SEC. 5. Said Board shall make such subscription with a condition that the same be paid in the bonds of said town of Auburn, to be issued as hereinafter directed, and not otherwise; and for said subscription said bonds shall be received at par, dollar for dollar of the subscription.

SEC. 6. Said Board of Trustees, immediately after said subscription shall have been made, shall issue the bonds of said

town, in sums of not less than two hundred and fifty dollars each, to the amount of said subscription, payable to the Sacramento, Placer, and Nevada, Railroad Company. Said bonds shall draw interest at the rate of eight per cent. per annum, interest payable semi-annually on the first day of January and June, and shall be made payable at the office of the Treasurer of said town, or in the city of Sacramento or San Francisco, at the option of said railroad company, and the interest shall be made payable at the same place where the principal is made payable. Said bonds shall be made payable at the end of twenty years from the day of their issuance, and shall be signed by the President and Clerk of the Board of Trustees in the presence of the Board of Trustees; and it shall be the duty of said Board of Trustees to cause the fact of such signing, and the amount, date, and number, of each bond, to be entered on their journals, and also the time when and where payable. When said bonds are issued as above directed, it shall be the duty of said Board of Trustees to deliver the same to the Board of Directors of said railroad company, and take a receipt from the President and Secretary of said Board of Directors for the same, stating the amount, date, and number, of each bond, and the time when payable, which receipt shall be copied on the journals of said Board of Trustees, and filed away with Clerk of the same.

To issue bonds.

SEC. 7. Coupons for the interest shall be attached to each bond, so that the same may be removed without mutilating the bond; and said coupons shall be signed by the President and Clerk of said Board of Trustees. When any interest shall be paid on a bond, the coupon for the interest then due and paid, shall be detached and delivered to the Clerk of [the] Board of Trustees, and by him at once canceled; and the said Board shall cause the same to be posted, with the proceedings of the Board, on their journals, at the next meeting of the Board after the same is received.

Coupons to be attached.

SEC. 8. It shall be the duty of the Board of Trustees of said town of Auburn to levy a tax on all the taxable property of said town, in the month of March of each year, to be styled an "Interest Tax," sufficient to pay the amount of interest required to be paid each year; which tax, when collected, shall be paid over to the Treasurer of said town, to be by him applied to the payment of said interest as it falls due. Said tax shall be levied and collected as other taxes of said town are by law levied and collected.

Trustees to levy tax.

SEC. 9. It shall be the duty of said Treasurer to make arrangements, out of said moneys, for the payment of the interest on said bonds at least thirty days before the time of payment.

Interest.

SEC. 10. Whenever any dividends shall be declared and paid over to the Board of Trustees of said town on the railroad stock issued to said town, and the same shall amount to one thousand dollars or more, it shall be the duty of the Treasurer of said town to advertise for thirty days, in some newspaper published in said town, and also for thirty days in some newspaper published in the city where the same are payable, for proposals for the redemption of said bonds; *provided*, the same shall not be for more than their par value. All proposals for the surrender of bonds shall be accompanied by the same, and shall be opened in the

Proposals to be issued for redemption of bonds.

presence of the Board of Trustees, who shall receive the proposal of the lowest biddder; and, when any bond shall be redeemed, the President shall write the word "canceled" on the face of the same, in the presence of the Board, and the Clerk shall enter the fact of such cancellation, and the amount, and date, and number, of the bond, on the journals of the Board, and the President shall sign his name and the date of the same under the word "canceled."

How stock to be represented.

SEC. 11. The said Board of Trustees shall, by resolution, authorize, from time to time, their President or any member of the Board, to cast all votes representing the stock belonging to said town, in all meetings of the stockholders of said railroad company.

Power of Board.

SEC. 12. Said Board of Trustees shall have the power at any time, to submit to the qualified electors of said town the proposition to sell, or transfer, and assign, said stock, having given twenty days' previous notice in a newspaper published in said town, stating in said notice the mode and manner of so doing; and, if a majority of the electors voting on the proposition vote in favor of said sale, transfer, and assignment, then said Board of Trustees may sell, assign, or transfer, the same; *provided*, that all the proceeds of such sale, transfer, or assignment, shall be applied towards the redemption of said bonds, as provided in section ten of this act; and, *provided*, also, that the said Board strictly comply in mode and manner as advertised.

Redemption tax.

SEC. 13. If any of said bonds are outstanding and unpaid at the end of seven years from the date of their issuance, it shall be the duty of said Board of Trustees to levy and collect annually, in the same manner as other taxes are levied and collected, on the taxable propety of said town, a sum sufficient to redeem one-thirteenth of the total amount of bonds then outstanding and unpaid—said tax to be denominated the "Redemption Tax," and the proceeds of said tax shall be applied towards the redemption of said bonds in the same manner as is provided in section ten of this act.

Stock not to be assessed.

SEC. 14. The railroad stock issued to said town, under the provisions of this act, shall not be liable to any assessments; nor shall said town or any of its agents or officers be liable, further than for the payment of said bonds as aforesaid, under this or any other act.

To take effect.

SEC. 15. This act shall take effect and be in force from and after its passage.

CHAP. CCLXXIII.—*An Act appropriating Moneys for the benefit of certain Orphan Asylums in this State.*

[Approved April 25, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Controller of State is hereby directed to draw his warrants on the Treasurer of State, payable out of the Gene-

ral Fund, for the sum of thirteen thousand dollars, six thousand of which shall be payable to the Trustees of the San Francisco Orphan Asylum, and six thousand dollars of which shall be payable to the order of the Trustees of the Roman Catholic Orphan Asylum of San Francisco, and one thousand dollars of which shall be payable to the order of the Trustees of the Roman Catholic Orphan Asylum of Los Angeles; and the sum of thirteen thousand dollars is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the purpose of carrying out the provisions of this act. Warrants in favor of.

SEC. 2. The Trustees of said orphan asylums are hereby required to report to the Governor of this State, on or before the twentieth day of December next, a detailed statement of the expenditure of these respective appropriations, with the number of orphans who have been inmates of said asylums, severally, during the year ending at the date of their reports above specified. Trustees to report to Governor.

CHAP. CCLXXIV.—*An Act declaring Novato Creek or Estuary, Navigable.*

[Approved April 25, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. So much of Novato Creek or Estuary, situated in the county of Marin, as lies between its mouth and the Sweatser's Embarcadero or Landing, is hereby declared navigable. Declared navigable.

SEC. 2. It shall not be lawful for any person or persons to build or construct any bridge or dam whatever, across said creek or estuary, so far as it is by this act declared navigable. Not lawful to construct dam.

SEC. 3. Nothing contained in this act shall be so construed as to prohibit the Board of Supervisors of Marin County from granting license to any person or persons, to erect or construct bridges or ferries, where the public convenience may require the same; *provided*, that said bridges or ferries shall not obstruct the navigation of said creek or estuary, by steamboats or other water crafts. Meaning of act.

CHAP. CCLXXV.—*An Act to authorize the Board of Supervisors of the City and County of San Francisco to Pay certain Claims.*

[Approved April 25, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the city and county of San Francisco are hereby authorized and directed to allow the Auditor to audit, and the Treasurer to pay, the bill of M. S. Claims allowed.

Neefus, for the sum of two hundred and nineteen dollars; the bill of J. Berry & Co., for the sum of one hundred and thirty-three dollars and seventy-five cents; and the bill of Franklin L. Jones, for the sum of two hundred and fifty-seven dollars and forty-two cents; and the bill of J. T. Street and A J. Hess, for the sum of two hundred dollars—for work done and materials furnished in fitting up polls in the city of San Francisco, or so much thereof as they may find to be equitable and just; the said bills being for work done by order of the Fire Department, in the year one thousand eight hundred and fifty-six, while the Justices of the Peace acted as Supervisors.

To take effect.

SEC. 2. This act shall take effect from and after its passage.

CHAP. CCLXXVI.—*An Act fixing the Terms of the District Court, County Court, and Court of Sessions, and Probate Court, for the County of Mendocino.*

[Approved April 25, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Terms of courts.

SECTION 1. The District Judge shall hold three terms of his court, annually, in the county of Mendocino, to wit: Convening on the third Monday of each of the following months, viz: March, July, and November, of each year.

SEC. 2. The County Court and Court of Sessions, for the county of Mendocino, shall be held, commencing on the first Monday of each of the following months, viz: March, June, September, and December, of each year.

SEC. 3. The regular terms of the Probate Court for Mendocino County, shall convene on the third Monday of each of the following months in each year, viz: March, June, December, and September.

SEC. 4. All laws and parts of laws, in conflict with this act, are hereby repealed.

To take effect.

SEC. 5. This act shall take effect from and after its passage.

CHAP. CCLXXVII.—*An Act for the Payment of certain Claims and Deficiencies.*

[Approved April 25, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Amount appropriated.

SECTION 1. The sum of two thousand one hundred and fifty-seven dollars and seventy cents, is hereby appropriated out of any money in the General Fund, not otherwise appropriated, for

the payment of certain deficiencies and claims for expenses incurred in the suppression of Indian hostilities in the counties of Tehama, Shasta Plumas, and Butte, in the year one thousand eight hundred and fifty-nine.

SEC. 2. The Controller of State is hereby authorized and required to draw his warrant on the Treasurer, in favor of the following named persons, for the following amounts, viz:

To whom. D. Vincent, for error in audited account, for the sum of one hundred dollars.

Haven Sanborn, for services of mules, for the sum of one thousand two hundred and forty dollars.

J. C. Frouchy, for error in audited account, for the sum of seventy-two dollars.

R. Johnson, error in audited account, sixteen dollars.

A. B. Forkner, for supplies furnished, for the sum of fourteen dollars and fifty cents.

J. Bithell for stationery furnished, for the sum of one hundred and fifty-seven dollars and ninety-five cents.

Hildreth & Robinson, for supplies furnished, two hundred and twenty-five dollars.

California State Telegraph Company, for services rendered, ninety-six dollars and twenty-five cents.

Frank Newland, for services as guide, for the sum of one hundred and sixteen dollars.

William Byrnes, for error in audited account, for the sum of ninety-five dollars.

John Spinks, for error in audited account, for the sum of twenty-five dollars.

SEC. 3. This act shall be exempt from the provisions of an act entitled "An Act to create a Board of Examiners, to define their Powers and Duties, and to impose certain duties upon the Controller and Treasurer."

To take effect. SEC. 4. This act shall take effect from and after its passage.

CHAP. CCLXXVIII.—*An Act to authorize the Executrix of the Estate of William B. Olds, deceased, to sell Real Estate of her Testator at Private Sale.*

[Approved April 25, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authorized to sell. SECTION 1. That Julia R. Olds, Executrix of the last will and testament of William B. Olds, deceased, is hereby authorized to sell such portion or portions of the real estate, of which the said William B. Olds, died, seized or possessed, either in severalty or in common, or jointly with others, and any right, title, or interest, in any real estate owned or claimed by the said William B. Olds in his lifetime, wherever situated in the State of California, as she may deem proper and necessary for the payment of the debts and liabilities outstanding against the estate of the de-

ceased, the allowance to the family of the deceased, the expenses and charges of administration, and of the final distribution of the estate at such time or times, on such terms, and in such manner, and at public or private sale, as shall in her opinion be most advantageous to said estate.

To make full report.

SEC. 2. The said Executrix shall make a full report of any and all such sales as shall be made by her, to the Probate Court or the Probate Judge of the city and county of San Francisco, within a reasonable time thereafter, who, after a proper examination thereof, shall confirm or reject such sale or sales, as in other cases of sales of real estate by Executors and Administrators; and no such sale or sales shall be definitely valid and binding unless so confirmed or approved by the said court or Judge, by order duly made and entered of record in said court.

To make conveyance.

SEC. 3. The said Executrix is hereby authorized and empowered, upon such confirmation of any such sale or sales of real estate or interest in real estate, as hereinbefore provided, and the compliance on the part of the purchaser or purchasers, with the terms of such sale or sales, to execute, acknowledge, and deliver, to said purchaser or purchasers, all necessary and proper conveyances of the property sold.

To take effect.

SEC. 4. This act shall take effect immediately.

CHAP. CCLXXIX.—*An Act supplementary to an Act entitled "An Act to fund the Debt of the County of Mariposa, and provide for the Payment of the Same," passed May fifteenth, one thousand eight hundred and fifty-four.*

[Approved April 25, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

To give notice.

SECTION 1. The Treasurer of the county of Mariposa shall give notice, by publication in a newspaper published in the county of Mariposa, for the space of three months, to any and all persons holding any outstanding unfunded indebtedness of the county of Mariposa that accrued prior to the first day of June, A. D. one thousand eight hundred and fifty-four, that he will fund the same by issuing bonds therefor, under the provisions of an act entitled "An Act to fund the Debt of the County of Mariposa, and provide for the Payment of the Same," passed May fifteenth, one thousand eight hundred and fifty-four.

Persons holding, etc. may have the same funded.

SEC. 2. Any person holding any of the indebtedness of Mariposa County which accrued prior to the first day of June, one thousand eight hundred and fifty-four, may have the same funded, under the provisions of the act of fifteenth May, one thousand eight hundred and fifty-four, as specified in the first section of this act, by presenting the same to the County Treasurer, who shall issue bonds therefor, as provided in said act last mentioned.

SEC. 3. Said bonds shall bear date of their issue and interest, payable semi-annually at the rate of ten per cent. per annum, and

shall be payable on or before the first day of January, one thousand eight hundred and sixty-two, unless they are sooner paid, as other bonds are paid under the act of fifteenth May, A. D. one thousand eight hundred and fifty-four.

SEC. 4. This act to take effect from and after its passage. To take effect.

CHAP. CCLXXX.—*An Act to authorize the Board of Supervisors of the County of Santa Clara to subscribe to the Capital Stock of the San Francisco and San José Railroad Company.*

[Approved April 21, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of the Board of Supervisors of the county of Santa Clara to order a special election, to be held in said county, at the several places for holding elections therein, on the second Tuesday of July next, for the purpose of submitting to the qualified electors of the said county the proposition for the Board of Supervisors of said county to subscribe two hundred thousand dollars to the capital stock of the San Francisco and San José Railroad Company, by which a railroad communication shall be formed between the said city of San Francisco and San José, in the county of Santa Clara, in said State, by a line running from the said city of San Francisco through the county of San Mateo to San José aforesaid. Special election.

SEC. 2. It shall be the duty of the said Board of Supervisors to cause notice of at least twenty days to be published in some newspaper printed and published in said county, stating the proposition to be submitted to said electors, and the time and manner of voting thereon. It shall be the further duty of said Board of Supervisors to cause ballots to be prepared, with the words "Subscription of Two Hundred Thousand Dollars to the San Francisco and San José Railroad Company" printed or written thereon. Every ballot in favor of said proposition shall have the word "Yes" written or printed thereon; and every ballot against said proposition shall have the word "No" written or printed thereon. Sealed returns shall be made of the vote cast on said proposition, to the Clerk of said county, within ten days after the day of such election; on which tenth day the same shall be opened and counted by the said Board of Supervisors, and the result thereof declared by said Board. Notice to be given.

SEC. 3. If, at the said election, three-fifths of the electors of said county, voting upon said proposition, vote "Yes," then and in that event are the said Board of Supervisors, in the name of the said county, hereby authorized and directed to take and subscribe, for the use and benefit of said county, to the capital stock of the San Francisco and San José Railroad Company, for the purposes mentioned in section one of this act, stock to the amount of two hundred thousand dollars, and therefor to pledge the faith of the said county for the payment of the same; *provi-* If electors so decide, Board to take stock.

ded, that said subscription shall be made and accepted payable in the bonds of said county, payable in not less than ten, or more than twenty, years, as said Board shall determine—said bonds to bear interest at the rate of ten per centum per annum, payable, semi-annually, in the city of San Francisco or New York; and the said Board of Supervisors are hereby authorized to issue such bonds for, and on behalf of, the said county, with coupons for the interest attached, the form and manner of the execution of which shall be determined by said Board.

How stock to be represented.

SEC. 4. The said Board may appoint any one or more persons to cast all votes representing the capital stock so subscribed by them, and they shall, by order made for that purpose, have full power to sell, transfer, and assign, the same, upon a submission to the qualified voters of said county, at any general election, of a proposition to sell the same and an approval thereof by a majority of the votes cast upon the question.

Interest tax levied.

SEC. 5. It shall be the duty of the said Board of Supervisors, previous to the making out of the general assessment list for said county in each year, to levy a tax, to be styled an "Interest Tax," sufficient to raise the amount of interest required to be paid each year on said bonds; and should there not be sufficient moneys at any time in the fund raised by said tax to meet any interest which may fall due upon the bonds issued in pursuance of this act, the additional amount of interest may be paid out of the General Fund of the county.

Rights of Board.

SEC. 6. The said Board of Supervisors shall have all the rights and powers appertaining to any other subscriber to such capital stock, and shall receive all the dividends, rents, issues, and profits, of the shares acquired by such subscription as aforesaid.

Surplus.

SEC. 7. The surplus of interest tax, if any such surplus shall be at any time collected—also all the dividends, rents, issues, and profits, aforesaid—shall constitute a fund, to be called the "Liquidation Fund;" and whenever there shall be in this fund money amounting to five thousand dollars or upwards, the said Board shall advertise for sealed proposals for the redemption of their outstanding bonds, which advertisement shall be published for the space of ten weeks, in a newspaper published in the county of Santa Clara and one published in the city of San Francisco. The said Board shall open such proposals, and shall pay and liquidate, as far as the Liquidation Fund then on hand shall extend, such bonds presented under said proposals as shall have the lowest value proposed at which they may be liquidated; *provided*, the same shall not be for more than the par value thereof; and, *provided* further, that the said Board of Supervisors shall have the power, if they shall deem it expedient, to apply the said moneys as cash payments for their stock subscription, in lieu of bonds as is hereinbefore provided.

To take effect.

SEC. 8. This act shall take effect and be in force from and after its passage.

CHAP. CCLXXXI.—*An Act to Change the names of Persons herein named.*

[Approved April 25, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The names of the persons hereinafter mentioned are changed as follows, to wit: Names changed.

That of Ann Gunn to Ann Freeman.
Edward Gunn to Edward Gunn Freeman.
George Frederick Gunn to George Frederick Freeman.
Mary Matilda Gunn (wife of George Frederick Gunn,) to Mary Matilda Freeman.
Emily Elizabeth Gunn to Emily Elizabeth Freeman.
Chalkley P. Lolor to Charles P. Lolor.
Edward Goetz to Edward Gets.
Moses C. Phillipowski to Moses C. Phillips.
Irwin Blanco to Yres. C. Blanco.
George Reiser to Thomas Smith.

CHAP. CCLXXXII.—*An Act to authorize J. C. Cissna to Construct a Breakwater and Wharf at the Port of San Luis Obispo, and providing for the same.*

[Approved April 25, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The right to build and maintain a breakwater and wharf in the bay of San Luis Obispo, at or near the landing place known as the "Cave," is hereby granted to J. C. Cissna, and to his associates and assigns, for the term of twenty years from the passage of this act. Said breakwater shall be constructed from the place called "Rocky Point," at the said cave, and shall extend into the bay in a southeasterly direction a sufficient distance, not less than one hundred feet nor more than two hundred feet, in order to break the effect of the sea coming into the inlet of the cave, in such manner that the landing at said cave may be rendered thereby safe and practicable for boats, freight, and passengers, at all times, and the same shall be constructed in a strong and durable manner. Said wharf shall be built at any place in the said inlet that said Cissna and his associates or assigns may select, and the same shall be constructed in a good and substantial manner, of sufficient length and breadth for all purposes of commerce and convenience of vessels at the said port of San Luis Obispo. Right granted.

SEC. 2. The overflowed and submerged land described as follows, lying within the lines commencing at the point of rocks called "Rocky Point," and thence running into the bay of San Luis Boundaries described.

Obispo in a southeasterly direction two hundred feet, thence in a northeasterly direction to the point of rocks on the opposite of said inlet, and thence following the high-water mark around said inlet to the place of beginning, is hereby granted by the State of California to the said J. C. Cissna and his associates or assigns, for the purpose of building and keeping said breakwater and wharf for the said period of twenty years; *provided*, that the said Cissna and his associates or assigns shall fully complete said breakwater and wharf in all respects so as to meet the objects for which this grant is made, within two years from the passage hereof; and, *provided* further, that the said breakwater and wharf shall in no manner obstruct the free ingress and egress of water craft into and out of said inlet, nor the mooring of the same therein.

Right to collect tolls.

SEC. 3. The said Cissna and his associates or assigns, shall have the right, after the completion of said breakwater and wharf, to charge and collect toll and wharfage for all goods, wares, and merchandize, shipped or landed over said wharf, according to the rates to be fixed from time to time by the Board of Supervisors of the county of San Luis Obispo, and it shall be the duty of said Board of Supervisors to fix the rates of such tolls and wharfage, and to furnish said Cissna and his associates or assigns, a certificate of the rates so fixed as soon as said breakwater and wharf shall have been completed, and thereafter to change said rates, from time to time, as they may deem proper; and upon the expiration of twenty years from the passage of this act, the rights and privileges herein granted shall revert to, and vest in, the State of California.

Construction of act.

SEC. 4. Nothing in this act shall be construed in any manner to affect the right of the proprietors of lands adjacent to the bay of San Luis Obispo.

CHAP. CCLXXXIII.—*An Act to provide for the Report and Publication of certain Decisions of the Supreme Court.*

[Approved April 25, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Governor to appoint.

SECTION 1. The Governor shall appoint and commission some suitable person to report the Decisions of the Supreme Court of the State of California, for the April, July, [and] October, terms, one thousand eight hundred and fifty-nine, and the January Term, one thousand eight hundred and sixty.

Term of office.

SEC. 2. Said Reporter shall hold his office for one year, from and after the date of his appointment, shall perform his duties under this act, in accordance with the law now existing relative to the Reporter of the Supreme Court, receiving the same compensation for his services, and for the copies of the reports furnished by him to the Secretary of State, payable in the same manner; and the amount necessary for that purpose is hereby appropriated and set apart out of any funds in the treasury, not

otherwise appropriated, for the payment of said services and said copies of said reports.

SEC. 3. This act shall take effect and be in force from and after its passage. To take effect.

CHAP. CCLXXXIV.—*An Act to provide for the Construction of a Railroad from a point on Petaluma Creek into the City of Petaluma, and for the Right of Way for the same.*

[Approved April 25, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The right to lay out, construct, and run, a line of railroad, with single or double tracks of iron, to keep in repair and use the same, by running thereon cars propelled by steam or other motive power, and to construct, use, and keep in repair, all necessary viaducts, dams, bridges, culverts, stations, depots, turnouts, and appurtenances, for the convenient and profitable use thereof, between such point on Petaluma Creek, above Eagle Point, and into the town or city of Petaluma, and by such route as may be deemed most advantageous and convenient, and as may be selected, with the right of way over any land belonging to this State, and on or across any road, streets, or highways, or across any streams, together with ownership and control of the said railroad, so selected, in the width of one hundred feet, where necessary, for the construction of the road, where the same may be located on land belonging to this State, is hereby granted to Joseph Nougues and associates; *provided*, the said grantees shall, within one year after the passage of this act, expend in cash in the actual construction of said road, an amount equal to or more than twenty-five thousand dollars, and shall within two years after the passage of this act construct and complete in a substantial manner, as provided under the general laws of this State relative to the construction of railroads, and put in operation said railroad from the point of commencement on Petaluma Creek, into the town or city of Petaluma. Terms of act. Proviso.

SEC. 2. Be it further enacted, that the parties aforesaid or their assigns, shall have power to procure the right of way over any lands belonging to individuals or persons, other than the said State, in the manner prescribed in the general laws of this State concerning the formation and incorporation of railroad companies; and the said grantees and their assigns, shall at all times conform to the general laws of the State concerning railroads, so far as the same refers to the rates of fare and the transportation of freight and passengers. Further rights.

SEC. 3. And it is further enacted, that the said railroad shall, in no way, interrupt or obstruct the navigation of Petaluma Creek, or in any manner interfere with the travel on any highway or street, over which it may pass; and the said Joseph Nougues, and associates, or their assigns, shall at all times keep in perfect order the crossings of all roads or streets over which Not to obstruct navigation.

said railroad passes; *provided*, always, that said road shall not be constructed through, or over, any street, within the limits of the town or city of Petaluma, unless the said Nougues, his associates, or their assigns, shall first obtain the right so to do from the corporate authorities of said town or city; and be it further *provided*, all the rights and privileges under this act granted, shall cease and determine after the expiration of thirty years from the date of the passage of this act.

To take effect.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHAP. CCLXXXV.—*An Act to authorize Charles B. Polhemus, John Center, Robert Allen, John Perry, Jr., and W. Southwick, their Associates and Assigns, to Construct and keep in Repair a certain Street in the City and County of San Francisco, and to Levy and Collect Tolls thereon.*

[Approved April 25, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Preamble.

WHEREAS, In the year one thousand eight hundred and fifty-three, for the reasons set forth in the act then passed, a charter was given to certain parties, on condition of opening, making, and keeping in repair, Folsom Street, from its junction with First Street to Center Street, in the city and county of San Francisco, to levy and collect tolls thereon for a term of years; and, *whereas*, said charter is about to expire; and, *whereas*, also, the reasons which induced said charter still exist, as well as additional reasons to authorize a renewal of the same.

Terms of act.

SECTION 1. Charles B. Polhemus, John Center, Robert Allen, John Perry, Jr., and W. Southwick, their associates and assigns, shall have the liberty or franchise, on condition of McAdamizing said Folsom Street between Fourth Street and Center Street, in said city and county, of holding, issuing, and enjoying, said improvement, between the termini designated, together with the space between the sidewalks, for the period of five years from the date of the expiration of the present charter, taking for the use of it by the public such tolls as are herein specified:

Rate of tolls.

For horse, mule, and rider, ten cents.

For each led or drove horse or mule, five cents.

For each vehicle drawn by horse or mule, ten cents.

For each vehicle drawn by two or more horses or mules, twenty-five cents.

For drove of cattle, each, five cents.

For sheep, or hogs, or other animals, each, two cents.

Provided, that all funeral processions on their way to any cemetery on or near the line of said street or road, shall pass free of tolls.

SEC. 2. The parties named in section first shall, within one

year after the expiration of the existing charter, McAdamize said Folsom Street between the termini designated, to the width of at least thirty feet, and shall, at the expiration of the five years hereinbefore mentioned, surrender and deliver over to the city and county of San Francisco in good order and condition said Folsom Street, between Fourth and Center streets. Street to revert to city.

SEC. 3. The police laws of the city and county of San Francisco, which now are, or may be, in force for the preservation, protection, good order, and general police, of the streets of said city and county, shall equally extend to Folsom Street. Police laws to extend to

SEC. 4. Any person refusing to pay the tolls before specified, or in any manner evading the payment thereof, shall, for each offense, pay a penalty of twenty dollars, to be recovered in any court of competent jurisdiction. Refusing to pay tolls.

CHAP. CCLXXXVI.—*An Act to amend an Act entitled "An Act to annex a portion of San Joaquin County to Stanislaus County," approved February seventeenth,* A. D. *one thousand eight hundred and sixty.*

[Approved April 25, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of said act is hereby amended so as to read as follows:

Sec. 3. For the purpose of adjusting the affairs of the two counties upon a just and equitable basis, the Board of Supervisors of the county of San Joaquin shall appoint one Commissioner, and the Board of Supervisors of the county of Stanislaus, one Commissioner, who shall meet at Stockton, the County Seat of San Joaquin County, on Wednesday, the second day of May, A. D. one thousand eight hundred and sixty, and then and there, from day to day, and until their business is completed, and they may hold adjourned meetings if necessary, make a thorough examination of the financial condition of the first named county, for the purpose of ascertaining and settling the amount of indebtedness the county of Stanislaus shall assume, and become liable to pay to the county of San Joaquin; and in determining the amount to be paid by Stanislaus County to the aforesaid county, the Commissioners shall pay due regard to the assessed value of all taxable property in, and the property owned by, and the amount of indebtedness owing by the county of San Joaquin, and shall justly apportion the indebtedness which Stanislaus County is to assume; and when ascertained and certified by the Commissioners, to their respective counties, the Board of Supervisors of Stanislaus County shall cause to be paid by the County Treasurer to the county of San Joaquin the sum thus certified by the Commissioners out of any money in the Sinking Fund hereinafter provided for, that may come into the treasury of Stanislaus County. Commissioners appointed.

CHAP. CCLXXXVII.—*An Act for the Relief of Witnesses in Criminal Cases in the City and County of Sacramento.*

[Approved April 25, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Pay of witnesses.

SECTION 1. Witnesses required by process of law to attend, and who did attend, upon the Grand Jury or Court of Sessions of the city and county of Sacramento for the April Term, A. D. one thousand eight hundred and fifty-nine, shall receive therefor, for each day, two dollars; and for traveling to the place of attendance, for each mile, twenty cents; and said fees and mileage shall be considered a county charge.

SEC. 2. The certificates issued to said witnesses by the Clerk of said city and county shall be sufficient evidence of process and attendance, to wit: To—

Wm. H. Mitchel, eighteen dollars.
John Thomas, eleven dollars and forty cents.
James Rablin, ten dollars.
W. J. Prosser, six dollars.
J. T. Gibbons, seven dollars and twenty cents.
John McClorey, two dollars and twenty cents.
E. M. Chenault, nine dollars.
A. B. Hawkins, three dollars and eighty cents.
C. S. Howell, six dollars and eighty cents.
O. S. Terrill, seven dollars and sixty cents.
Michael Fay, six dollars and forty cents.
W. White, twenty-seven dollars.
John McClorey, two dollars and twenty cents.
J. W. Sharp, eight dollars.
A. C. Davis, eight dollars.
L. Frink, four dollars and forty cents.
Daniel Gallaher, thirty-two dollars.
P. A. Valentine, thirteen dollars and forty cents.
J. Rablin, twenty-two dollars.
Charles Petit, six dollars.
T. Cody, two dollars and twenty cents.
Hartford Anderson, six dollars and forty cents.
C. P. Hubbell, seven dollars and twenty cents.
A. A. DeLong, six dollars and sixty cents.
H. A. Thompson, twelve dollars and eighty cents.
George Beeler, three dollars.
Wm. Keyser, two dollars and twenty cents.
Lyman Griswold, two dollars and forty cents.
J. W. Knaggs, four dollars and forty cents.
Charles Spaulding, twenty-six dollars.
S. M. Baily, two dollars and twenty cents.
J. W. Aldrich, twelve dollars and forty cents.
James Coe, two dollars and twenty cents.
R. H. Montgomery, four dollars and forty cents.
Levi Wells, two dollars and twenty cents.
S. R. Bradley, fifteen dollars and sixty cents.
Wm. Hageman, two dollars and sixty cents.

A. D. Rightmire, two dollars and twenty cents.
D. E. Gilberts, two dollars and twenty cents.
L. P. Redwine, two dollars and twenty cents.
Thomas L. Farmer, two dollars and forty cents.
F. D. Chamberlin, two dollars and twenty cents.
J. Lansing, two dollars and twenty cents.
John Bannan, two dollars and twenty cents.
E. M. Chemault, seven dollars.
John Henry, seven dollars and twenty cents.
Hugh G. Craig, two dollars and forty cents.
George Watkins, two dollars and twenty cents.
J. P. Baine, seven dollars and twenty cents; and
P. J. Toll, four dollars and forty cents—said claims and demands amounting in the aggregate to three hundred and seventy-two dollars and twenty cents.

And said fees and mileage shall be paid in the order in which they were entered upon the books of the Auditor of said city and county, or as near as may be, according to the numbers given to the same on said books; and the former approval by the Board of Supervisors of said claims and demands shall be sufficient action in regard to the same; and the said Auditor shall allow and draw his warrants for the same, according to said numbers, without any other or further action of said Board of Supervisors. How paid.

SEC. 3. This act shall take effect and be in force from and after its passage. To take effect.

CHAP. CCLXXXVIII.—*An Act to define the Limits and Boundaries of the County of Marin.*

[Approved April 25, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The limits and jurisdiction of the county of Marin shall be as follows, viz: Beginning on the sea coast at the mouth of the inlet called "Estero Americano," and running up the middle of said estero to its head; thence following the road which leads from Bodega to San Rafael, passing between the rocks known by the name of "Dos Piedros," to the laguna of San Antonio; thence, following down the middle of said laguna to its outlet, which forms the creek of San Antonio; thence, following down the middle of said creek to its entrance into Petaluma Creek; thence, following down the middle of said creek to the bay of San Pablo, and into said bay to the boundary of Contra Costa County; thence, along said boundary of Contra Costa County, in the said bay of San Pablo, to the middle of the straits of San Pablo; thence, following in a direct line from the middle of said straits to the Invincible Rock, situated in the bay of San Francisco, near the entrance of the straits of San Pablo; thence, southwardly by a direct line, so as to include the island of Los Angeles, to a point in the bay of San Francisco equidistant between Boundaries defined.

said island and Bird Island; thence, by a direct southwestwardly line to its intersection with the present line of the county of San Francisco, at the mouth of the bay; thence, with said county line three miles into the ocean; thence, in a northerly direction, parallel with the coast, to the place of beginning, including the three small islands called "Los Angeles," "Dos Hermanos," and "Marin" islands, with the entire area and limits hereby described for the said county of Marin.

CHAP. CCLXXXIX.—*An Act to define the Duties of the Officers and Employés of the Assembly, to establish their Pay, and to repeal all existing Laws in relation thereto, so far as the same relates to the Assembly.*

[Approved April 25, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Pay of officers and employes.

SECTION 1. From and after the first day of January, A. D. eighteen hundred and sixty-one, and until changed by law, there shall be paid to the several officers and employés named herein, for services rendered under the provisions of this act, the following sums, and no more:

SEC. 2. To the Chief Clerk and Sergeant-at-Arms of the Assembly, each, ten dollars per day.

To the Assistant Clerk, Journal Clerk, Minute Clerk, Enrolling, and Engrossing Clerks, and Assistant Sergeant-at-Arms, each nine dollars per day.

Copying Clerks shall receive ten cents per folio, and shall be entirely under the superintendence of the Chief Clerk.

Each Committee Clerk, when a committee is allowed a Clerk, six dollars per day.

Three porters, each, five dollars per day.

And three pages, each, three dollars per day.

Duties of.

SEC. 3. It shall be the duty of the Chief Clerk to attend each day to call the roll, read the journals and bills, and to take charge of, and superintend the copying of, the journals and all other copying necessary to be done. It shall be the duty of the Assistant Clerk to take charge of all bills, petitions, and other papers, presented in the House; to file and enter the same in the books provided for that purpose, and to perform such other duties as may be directed by the Chief Clerk. It shall be the duty of the Minute Clerk to keep a correct record of the proceedings of each day, for the purpose of having such proceedings recorded in the journal by the Journal Clerk, whose duty it shall be to record each day's proceedings in the journal, from which they shall be read by the Chief Clerk each day of meeting, in order that the same may be authenticated by the signature of the Speaker. It shall be the duty of the Copying Clerks to copy into the appendix the annual reports of the State officers and other lengthy documents, and all such copying for the Printer as shall be ordered by the House; and it shall be the duty of the

Assistant Sergeant-at-Arms to perform the duties of Door-Keeper of the House.

SEC. 4. It shall be the duty of the Sergeant-at-Arms to deduct from the warrant of each member each week, one dollar for each time such member shall be absent under a call of the House, unless such member be excused. To deduct from warrant of absent member.

SEC. 5. It shall be the duty of the Chief Clerk, at the close of each session of the Legislature, to mark, label, and arrange, all bills, papers, etc., belonging to the archives of the Assembly; and for such services he shall be allowed the sum of one hundred dollars, and the Controller of State is hereby authorized to draw his warrant on the treasury for the above sum. Clerk to arrange papers, etc. at end of session.

CHAP. CCXC.—*An Act to amend an Act entitled "An Act to authorize the Executors of Joseph L. Folsom, deceased, to sell Real Estate of their Testator at Private Sale, so far as said Act relates to Lands situated in the County of Sacramento.*

[Approved April 27, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said act is hereby so amended as to read as follows:

Sec. 1. That Henry M. Halleck, Archibald C. Peachy, and P. Warren Van Winkle, appointed Executors by the last will and testament of Joseph L. Folsom, deceased, late of the county of San Francisco, and which said last will and testament was admitted to probate in said county, on the sixth day of August, one thousand eight hundred and fifty-five, be, and the same are hereby, authorized to sell such portion of the said real estate of said Folsom died seized and possessed, and any right, title, or interest, in any real estate owned or claimed by the said Folsom, wherever situated in the State of California, as may be sufficient to pay allowances to the family of the deceased which have already been made or which may hereafter be made, by the Probate Judge of said county, and to pay the debts against said estate, and the expenses of administration and legacies on said estate, on such terms and in such manner, whether at public or private sale, as may in their opinion be most advantageous to said estate; *provided*, that all sales of lands or any interest therein, situated in the county of Sacramento, shall be made at public sale. Authorized to sell, for certain purposes.

SEC. 2. This act shall be in force from and after its passage. To take effect.

CHAP. CCXCI.—*An Act to provide for Recording Notice of Claims to Private Land Grants in this State.*

[Approved April 27, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Each and every grantee, present claimant, or owner, of any private land claim within this State, held under a grant from the Spanish or Mexican Government, may file in the office of the County Recorder in the county within whose boundaries the grant or land claimed is situated, or in case the land be situated in two or more counties, then with the County Recorder of each of said counties, a duly certified traced copy of the original expediente and grant.

May file notice of grant.

SEC. 2. Upon filing said traced copies as aforesaid, the same shall be deemed and held to be notice and *prima facie* evidence of the existence and contents of the originals of such copies of such claims, and shall be received and accredited as such in all the courts of this State.

To be received in evidence.

CHAP. CCXCII.—*An Act to fix the Compensation of the District Attorney of Tulare County.*

[Approved April 27, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The District Attorney of the county of Tulare shall receive, annually, for his services as District Attorney of said county, the sum of one thousand dollars, to be paid, quarterly, by the warrant of the Auditor of said county, drawn on the County Treasurer, to be paid as other county warrants are.

Compensation fixed.

SEC. 2. In addition to the above salary, the District Attorney shall receive such fees as are allowed by law.

Fees.

CHAP. CCXCIII.—*An Act supplementary to an Act entitled "An Act to confer further Powers upon the Board of Supervisors, and Auditor, and Treasurer, of the City and County of San Francisco, and to authorize them to perform certain Acts therein mentioned," approved April twenty-third, one thousand eight hundred and fifty-eight.*

[Approved April 27, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the city and county

of San Francisco, have hereby further powers conferred upon them, as follows:

First—To allow and order paid out of the General Fund, not exceeding the sum of six thousand dollars in any one fiscal year, for repairs and improvements of streets fronting upon the water front of the city, as defined by an act entitled "An Act to provide for the Disposition of certain Property of the State of California," passed March twenty-sixth, one thousand eight hundred and fifty-one. For repairs of streets.

Second—To allow and order paid out of the General Fund, not exceeding the sum of twelve thousand dollars, in any one fiscal year, for repairs to, and improvements upon, streets and sewers in front of property belonging to the city, other than those mentioned in the previous subdivision of this section; *provided*, that for the fiscal year one thousand eight hundred and fifty-nine and one thousand eight hundred and sixty, the Board shall allow and order paid out of the General Fund a further sum, not exceeding five thousand dollars, for repairs to streets and constructing sewers in front of city property other than the city water front. Same.

Third—To allow, and order paid out of the General Fund, not exceeding the sum of seven thousand dollars in any one fiscal year, for repairs to the public buildings of said city and county. Repairs of buildings.

Fourth—To build a brick fire engine house, and to allow and order paid out of the General Fund therefor, not exceeding the sum of six thousand dollars. To build engine-house

Fifth—To improve and to repair the buildings of the present city and county hospital; to erect additional buildings, and for such other purposes in relation thereto as the Board of Supervisors may order, and to allow and order to be paid out of the General Fund, the expenses thereof, the same not to exceed the sum of fifteen thousand dollars. To repair County Hospital.

Sixth—To allow and order paid out of the General Fund, such sums as are now due, or may become due, for burying the indigent dead. Burying indigent dead.

Seventh—To allow and order paid out of the General Fund, such sums as are now due, or may become due, for expenses of conveying insane persons to the State Hospital, at Stockton.

Eighth—To allow and ordered paid out of the General Fund, to Henry Hentsch, a sum not to exceed one hundred and seventy-five dollars, being an over payment to the city, by mistake, upon the purchase of beach and water lot Number Six Hundred and Ninety-Nine. To rectify mistake.

Ninth—To allow and order paid out of the General Fund, a sum not to exceed one hundred and fifty dollars per month, to be expended at the instance of the President of the Board of Supervisors, for contingent expenses other than those heretofore provided for, and of which he shall make a quarterly report to the Board. Contingent expenses of Board.

Tenth—To allow and order paid out of the General Fund, to James F. Curtis, for expenses incurred as Chief of Police, for contingent purposes, the sum not to exceed three hundred and eighty-nine dollars and seventy cents. Contingent purposes, Chief of Police.

Eleventh—To allow and order paid out of the General Fund, to H. O. Gough, for piling, capping, and planking, the outer half of Capping, etc. of streets.

Davis Street, between Broadway and Vallejo, and for repairing the outer half of Davis Street, from Pacific to Broadway; said work being on the city front, and assessed to the city and county of San Francisco, as per contract made for street repairs, July twenty-fifth, one thousand eight hundred and fifty-nine, the sum not to exceed four thousand three hundred and nine dollars and twenty-seven cents.

Expenses for arresting thief.

Twelfth—To allow and order paid out of the General Fund, to J. W. Lees, for expenses incurred, December, one thousand eight hundred and fifty-eight, in arresting "Long John," *alias* John Dickson, a burglar, said expenses having been incurred prior to the existence of the Police Contingent Fund, and there being no provision therefor, the sum not to exceed eighty-five dollars and fifty cents.

Construction of cells.

Thirteenth—To allow and order paid out of the General Fund, for constructing additional cells in the city prison, the sum not to exceed two thousand dollars.

To remove dead, etc.

Fourteenth—Also to remove the remains of the dead from the Yerba Buena Cemetery to some other burial ground, and to dedicate the land now known as the Yerba Buena Cemetery for such purpose of a public nature as they may deem proper, and to allow and order paid out of the General Fund, a sum not to exceed ten thousand dollars.

Curbing, etc. certain streets.

Fifteenth—Also to allow and order paid out of the General Fund, to Alexander H. Houston, for paving and curbing Front Street, from Pine Street to Market Street; for paving the crossing of Pine and Front streets, and laying cross-walks thereon; for grading, paving, and curbing, Brenham Place, from Clay Street to Washington Street; for paving and curbing Powell Street, from Union Street to Filbert Street; for paving the crossing of Powell and Union streets, and laying sidewalks thereon; for paving, sewering, and curbing, Union Street, in front of Washington Square; said work done and to be done, on the property of, and assessed to, the city and county of San Francisco, as per contracts made for street repairs under and by virtue of orders passed by the said Board of Supervisors.

Hauling engines, etc.

Sixteenth—Also to allow and order paid out of the General Fund, to John May, such sums as may, by said Board of Supervisors, be found to be just and equitably due him, for hauling fire-engines and hook and ladder trucks to and from the Corporation Yard of the said city and county of San Francisco, not to exceed the sum of four hundred and twenty-eight dollars.

Materials furnished Fire Department.

Seventeenth—Also to allow and order paid out of the General Fund, to John Wilson and Son, such sums as may, by said Board of Supervisors, be found to be just and equitably due them for materials furnished for the use of the Fire Department of the said city and county of San Francisco during the year A. D. one thousand eight hundred and fifty-five, not to exceed the sum of two hundred and seventy-two dollars. Also to allow and order paid out of the General Fund, such sums as are now due, or may become due, to the physicians of the city and county hospitals.

To take effect.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAP. CCXCIV.—*An Act for the Relief of the Heirs of Pierre Maurin, Deceased.*

[Approved April 27, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Controller of State is hereby directed to draw his warrant upon the State Treasurer for the sum of seven hundred and nineteen and sixty-six one-hundredths dollars, in favor of Frederick Gautier, Consul of France, at the port of San Francisco, for the benefit of the heirs of P. Maurin, deceased, and that sum is hereby appropriated out of any moneys in the General Fund not otherwise appropriated. To draw warrant.

SEC. 2. This act shall go into effect immediately after its passage.

SEC. 3. This act is hereby exempted from the operation of an act entitled "An Act to create a Board of Examiners, to define their Powers and Duties, and to impose certain Duties upon the Controller and Treasurer," approved April twenty-first, one thousand eight hundred and fifty-eight. Exempt from certain act.

CHAP. CCXCV.—*An Act amendatory of an Act entitled "An Act authorizing the Treasurer of State to issue Bonds for the Payment of Expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State," approved April twenty-fifth, one thousand eight hundred and fifty-seven, and an Act amendatory thereof, approved April seventh, one thousand eight hundred and fifty-nine.*

[Approved April 27, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said act is hereby amended so as to read as follows:

Sec. 1. A sum not exceeding four hundred and forty thousand dollars is hereby appropriated and set apart as a "War Fund," payable out of any moneys which may be appropriated by Congress to this State to defray the expenses incurred in the suppression of Indian hostilities, as specified in this act. War Fund.

SEC. 2. Section two of said act is hereby amended so as to read as follows:

Sec. 2. The Treasurer, Controller, and Quartermaster-General, of this State, are hereby constituted a Board of Examiners, and are authorized and required to examine and audit all accounts for claims which have not been audited and allowed by this State or by the government of the United States, for services rendered and supplies furnished for the expedition against the Indians in Siskiyou County, since the year one thousand eight hundred and fifty, and for property destroyed by the Indians in Board of Examiners created. To audit claims.

said county since that year; *provided*, the same do not exceed the sum of two hundred and fourteen thousand dollars.

Claims audited for supplies, etc.

Also, for services rendered and supplies furnished for the expeditions against the Indians, in the counties of Humboldt, Klamath, and Del Norte, since the year one thousand eight hundred and fifty, and for property destroyed and losses sustained by Indian depredations in said counties since that year; *provided*, the same do not exceed the sum of one hundred and twenty-one thousand dollars.

Also, for services rendered and supplies furnished for the expedition against the Indians in the county of Sutter for the year A. D. one thousand eight hundred and fifty; *provided*, the sum do not exceed the sum of five thousand dollars.

Also, for services rendered and supplies furnished for the expedition against the Indians in the county of San Bernardino, from the year one thousand eight hundred and fifty-two to one thousand eight hundred and fifty-six; *provided*, the same do not exceed one thousand dollars.

Also, for services rendered and supplies furnished for the expedition against the Indians in the county of Nevada for the year A. D. one thousand eight hundred and fifty-one, and for property destroyed and losses sustained by Indian depredations in said county during said years; *provided*, the same do not exceed the sum of five thousand dollars.

Also, for the expedition, wars, and depredations, in Los Angeles County, from the year A D. one thousand eight hundred and fifty to the year one thousand eight hundred and fifty-six; *provided*, the same do not exceed the sum of nine thousand dollars.

Also, for the expedition, wars, and depredations, in Yuba County, since the first day of January, A. D. one thousand eight hundred and fifty; *provided*, the same do not exceed the sum of ten thousand dollars.

Also, for services rendered and supplies furnished in the expeditions against the Indians in the county of Shasta since the year A. D. one thousand eight hundred and fifty, and for property destroyed by the Indians in said county since that year; *provided*, the same do not exceed the sum of fifteen thousand dollars.

Also, for services rendered and supplies and animals furnished the expedition against the Indians in the counties of Napa and Yolo in the years one thousand eight hundred and fifty and one thousand eight hundred and fifty-one; *provided*, the same do not exceed the sum of eleven thousand dollars.

Also, for services rendered prior to the year one thousand eight hundred and fifty-three, to be allowed at the rate of four dollars per day, and for supplies furnished in the expedition against the Indians in the county of El Dorado since the year A. D. one thousand eight hundred and fifty; *provided*, the same do not exceed the sum of ten thousand dollars.

Also, for services rendered and supplies furnished for the expedition against the Indians in the county of Tulare since the year one thousand eight hundred and fifty-five; *provided*, the same do not exceed the sum of fourteen thousand dollars.

Also, for services rendered and supplies furnished in the expe-

dition against the Indians in the county of Trinity since the year A. D. one thousand eight hundred and fifty, and for property destroyed and losses sustained by Indian depredations in said county since that year; *provided*, the same do not exceed the sum of fifteen thousand dollars.

Also, for services rendered and supplies furnished in the expeditions against the Indians in the county of Tehama, since the year A. D. one thousand eight hundred and fifty, and of property destroyed and losses sustained by Indian depredations in said county since that year; *provided*, the same do not exceed the sum of ten thousand dollars.

Clerks appointed, and salary.

SEC. 3. A. J. F. Phelan is hereby appointed Clerk of said Board of Examiners, whose salary shall be seventy-five dollars per month. The Controller and Treasurer of State, shall receive the sum of one hundred dollars per month each, for their services on said Board, and the sum of five hundred dollars is hereby appropriated out of any money in the State treasury, not otherwise appropriated, to pay the same up to the first day of July, A. D. one thousand eight hundred and sixty.

Positive proof to be furnished.

SEC. 4. No claim shall be allowed by said Board of Examiners without positive proof of the services rendered, supplies furnished, and losses sustained, specifying the items. All books, papers, and vouchers, connected with either or any of said expeditions already audited, or that shall hereafter be audited by said Board; and, also, all books, papers, and vouchers, connected with the appropriation and claims allowed under "An Act for the Payment of Expenses incurred in the Suppression of Indian Hostilities in certain Counties in this State," approved April seventh, one thousand eight hundred and fifty-nine; and, also, all books, papers, and vouchers, connected with all other Indian expeditions in this State, shall be deposited with, and left in charge of, the Treasurer of State.

Repealing clause.

SEC. 5. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

To take effect.

SEC. 6. This act shall take effect from and after its passage.

CHAP. CCXCVI.—*An Act to authorize the Board of Supervisors of the City and County of San Francisco to Donate and Convey a site for the Institution to be erected for the Education and Care of the Indigent Deaf, Dumb, and Blind, in the State of California.*

[Approved April 27, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Empowered to donate to Trustees, lot of land.

SECTION 1. The Board of Supervisors of the city and county of San Francisco are hereby authorized and empowered to donate and convey to Frederick Billings, James A. McDougal, B. H. Randolph, P. B. Clark, and H. P. Janes, Trustees of the above named institution and their successors in office, any lot of land belonging to the city of San Francisco, which they may deem

suitable for a site for the erection of buildings for the use and benefit of the said institution; *provided*, that the said lot of land shall not exceed in value the sum of ten thousand dollars; the value of said lots to be ascertained and fixed by the City Assessor for said city.

If no lot found suitable, to purchase.

SEC. 2. Should there be no lot or lots belonging to said city suitable for such site, the said Board of Supervisors are hereby authorized and empowered to purchase for the use and benefit of said institution, a suitable site for such buildings, and donate and convey such lot or lots to the said Trustees for the purpose aforesaid, and shall pay for such lot or lots out of any money in the treasury of said city and county, not otherwise appropriated; *provided*, that they shall not pay for such lot or lots more than ten thousand dollars.

To take effect.

SEC. 3. This act shall take effect from and after its passage.

CHAP. CCXCVII.—*An Act to appropriate Money for the Relief of Destitute Females in the State of California.*

[Approved April [illegible], 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Amount appropriated

SECTION 1. The sum of five thousand dollars is hereby appropriated out of any moneys in the State treasury, not otherwise appropriated, for the Sisters of Mercy of San Francisco, to enable them to erect a building for the reception and care of unfortunate and abandoned women.

To draw warrant.

SEC. 2. The Controller of State is hereby directed to draw his warrant for the above sum in favor of the Sisters of Mercy, and the Treasurer of State is hereby directed to pay the same.

To give bond for faithful expenditure.

SEC. 3. The said five thousand dollars shall be paid by the said Treasurer to the Superior of the order, for the uses and purposes aforesaid, upon her executing a bond to the people of the State of California, according to law, in the sum of five thousand dollars, with two sufficient sureties, to be approved by the Governor, conditioned for the faithful expenditure of said money to the uses and purposes aforesaid, which said bond shall be filed in the office of said Treasurer.

Lady Superior to make report to Governor.

SEC. 4. The said Lady Superior shall, on or before the first day of January, A. D. one thousand eight hundred and sixty-one, make report, under oath, to the Governor of this State, of the manner in which the said money has been expended.

CHAP. CCXCVIII.—*An Act supplementary to an Act entitled "An Act to authorize the Location of the Town Site of Crescent City," approved February twelfth, one thousand eight hundred and fifty-nine.*

[Approved April 27, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Common Council of Crescent City shall have power to sell and convey for the benefit of the corporation of said city, and for such sums as they may deem just, any and all lots, blocks, and tracts of land, included within the bounds of the location provided for in section one of the act to which this is supplemental, and which may remain in their hands unclaimed, under the provisions of section six of said act; *provided*, that nothing in this act shall be construed to authorize the sale of any portion of the public grounds belonging to said city, by virtue of its incorporation; and, *provided* further, that no such sale shall in any case be made, directly or indirectly, to any member of said Common Council. Authorized to sell and convey lands.

SEC. 2. In making the sales provided for in section one of this act the Common Council shall in all cases of the sale of grounds occupied by actual settlers, cause the improvements made by such settlers or their grantors, to be appraised by three disinterested persons; and if such grounds shall be purchased by any other person than the occupant thereof, shall allow to said occupants or their assigns, the assessed value of their said improvements out of the proceeds of the sales of such tracts respectively. Improvements made by settlers to be appraised.

CHAP. CCXCIX.—*An Act amendatory of "An Act to Provide Revenue for the Support of the Government of this State," passed April twenty-ninth, one thousand eight hundred and fifty-seven, so far as the County of Butte is concerned.*

[Approved April 27, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It is hereby made the duty of, and the Collector in and for the county of Butte is hereby required, to collect all the licenses required to be paid by the "Act to provide Revenue for the Support of the Government of this State," passed April twenty-ninth, one thousand eight hundred and fifty-seven, within his said county; and for that purpose all persons in said county made liable by said law to pay license shall pay the same to the said Collector; and to every person paying him such license the Collector of said county shall execute and deliver a receipt therefor, in the terms and to the effect as now required in said act; and for the collection of licenses in said county the Collector is Duty of Collector.

Compensation. entitled to receive fifteen cents on each and every dollar so collected.

To report delinquents. SEC. 2. It is hereby made the duty of said Collector to report, in writing, every case of the nonpayment of license by any person within his said county, as required by law, to the District Attorney of said county, certifying in his said report the name, place of business, and occupation, of such delinquent, the amount of license due and unpaid, and for what particular period; and such report thus certified to the District Attorney may be offered in evidence in any court of competent jurisdiction, and shall be deemed *prima facie* evidence of the facts stated therein upon the prosecution of an action against said delinquent as by law provided.

To take effect. SEC. 3. This act shall take effect from and after its passage.

Repealing clause. SEC. 4. All acts or parts of acts in conflict with this act are hereby repealed, so far as relates to the county of Butte.

CHAP. CCC.—*An Act to provide for the Compensation of the State Registrar of the State of California.*

[Approved April 27, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

To draw warrants SECTION 1. The Controller of State is hereby directed to draw his warant in favor of Edwin R. Campbell for the sum of one hundred dollars per month from the eighth day of May, one thousand eight hundred and fifty-eight, to the eighth day of April, one thousand eight hundred and sixty—twenty-three months in all—amounting to the sum of twenty-three hundred dollars, and, after deducting from the same the sum of two hundred and nineteen dollars and forty-seven cents, drawn by said State Registrar from the Registration Fund, in the State treasury, the remaining sum of two thousand and ninety dollars and fifty-three cents is hereby appropriated, which shall be payable out of any moneys in the General Fund, in the State treasury not otherwise appropriated; and the Controller of State is hereby ordered to draw his warrant in favor of said State Registrar for the same.

Transfer of funds. SEC. 2. The amount remaining in the Registration Fund, in the State treasury, shall, on the passage of this act, be transferred to the General Fund.

Repealing clause. SEC. 3. "An Act providing for the Registration of Marriages, Births, Divorces, and Deaths, in California," approved April twenty-sixth, one thousand eight hundred and fifty-eight, and an act supplementary and amendatory of the same, approved March twelfth, one thousand eight hundred and fifty-nine, are hereby repealed.

CHAP. CCCI.—*An Act making an Appropriation for the Payment of D. J. Snyder for Services rendered by him.*

Approved April 27, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Controller of State is hereby authorized and required to draw his warrant on the Treasurer of State in favor of D. J. Snyder for the sum of two hundred dollars, in payment of services rendered by him in indexing the journals of the Senate and Assembly of one thousand eight hundred and fifty-eight. To draw warrant.

SEC. 2. The Treasurer of State is directed to pay said warrant out of any money in the treasury not otherwise appropriated, and that amount of money is hereby set apart out of any money in the treasury for the payment of said amount. Treasurer to pay.

CHAP. CCCII.—*An Act to amend an Act entitled "An Act to provide for Paying certain Equitable Claims against the State of California, and to Contract a Funded Debt for that purpose," approved April twenty-eighth, one thousand eight hundred and fifty-seven.*

[Approved April 27, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of said act is hereby amended so as to read as follows:

Sec. 7. Whenever, on the first day of February, in any year, there remains in the Sinking and Interest Fund ten thousand dollars, or more than will pay the interest on the following July, as hereinbefore provided, the Treasurer shall advertise, for the space of one week, in one daily newspaper published in English in the city of New York, and for one month in one daily newspaper in English at the State capital, for sealed proposals, to be opened one month after the expiration of such publication by the Treasurer, in presence of the Governor or Controller, at the State capital, for the surrender of bonds issued under this act, which advertisement shall state the amount of money he has on hand for the purpose of redemption, and they shall accept the lowest proposals, at rates not exceeding par value, as may redeem the greatest amount of bonds, until the amount of cash on hand for the redemption is exhausted; *provided*, however, in case a sufficient amount of such bonds shall not be offered as aforesaid to exhaust the Sinking Fund to a less amount than ten thousand dollars, then it is hereby made the duty of the Treasurer to advertise in two newspapers, one in New York and one at the capital of this State, for three months, which advertisement shall state the amount in the Sinking Fund, and the number of bonds, numbering them in the order of their issuance, which such fund Treasurer to advertise for proposals.

is set apart to pay and discharge; and if such bonds so numbered in such advertisement shall not be presented for payment and cancellation within three months from the expiration of such publication, then such fund shall remain in the treasury to discharge such bonds whenever presented; but they shall draw no interest after such publication as last aforesaid.

CHAP. CCCIII.—*An Act amendatory of, and supplementary to, an Act entitled "An Act to provide for the Funding and Payment of the Outstanding Unfunded Claims against the City of San Francisco, and against the County of San Francisco, as they existed prior to the first day of July, one thousand eight hundred and fifty-six.*

[Approved April 27, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Committee to examine warrants.

SECTION 1. The Judiciary Committee of the Board of Supervisors, the Treasurer, and Auditor, of the city and county of San Francisco, are hereby authorized, constituted, and appointed, as a committee to examine into and pass upon such warrants of the county of San Francisco, duly registered in the Treasurer's office of the county of San Francisco, and claims against said city known as "Red Backs;" also, city warrants—

Number Four Thousand Two Hundred and Fifteen, dated April twenty-third, one thousand eight hundred and fifty-five, for five hundred and seventy-four dollars and thirteen cents.

Number Five thousand Two Hundred and Eighty-Five, dated May twenty-third, one thousand eight hundred and fifty-three, for two hundred and fifty dollars.

Number One Thousand Two Hundred and Twenty-Five, dated December twenty-eighth, one thousand eight hundred and fifty-four, for one hundred dollars.

Number Two Thousand Eight Hundred and Fifty-Two, dated July eleventh, one thousand eight hundred and fifty-four, for one thousand dollars.

Number Six Thousand Seven Hundred and Three, dated February seventh, one thousand eight hundred and fifty-four, for two hundred and ten dollars.

Number Ten Thousand Nine Hundred and Seventy-One, dated July eleventh, one thousand eight hundred and fifty-four, for four thousand one hundred and sixty-six dollars and sixty-six cents.

Number Twenty-Two, dated October thirty-first, one thousand eight hundred and fifty-four, for two hundred and fifty dollars—which were not presented to the Board of Examiners provided in an act entitled "An Act to provide for the Funding and Payment of the Outstanding Unfunded Claims against the City of San Francisco, and against the County of San Francisco, as they existed prior to the first day of July, one thousand eight hundred and fifty-six," approved April twentieth, one thousand eight

hundred and fifty-eight—and to report to the Board of Fund Commissioners, in said act created, their approval or rejection of such warrants and claims as may be presented to said committee. If any claim be allowed in whole or in part, the same shall be so indorsed, and such indorsement shall specify the amount thereof entitled to be funded; *provided*, said committee shall base their approval or rejection of said warrants and claims upon the basis assumed and acted upon by the Board of Examiners under the act to which this act is amendatory and supplementary; and, *provided* further, the bonds to be issued under the provisions of this act shall not exceed the sum of twenty-five thousand dollars.

Warrants may be funded.

SEC. 2. Said warrants, when approved and allowed, as provided in the preceding section, may, within sixty days after such approval and allowance, be funded, under the act referred to in section one of this act, in the same manner and to the same extent, as though the same had been presented, approved, and funded, at the time in said act specified.

CHAP. CCCIV.—*An Act to amend an Act entitled "An Act for the relief of Insolvent Debtors and Protection of Creditors," approved May fourth, one thousand eight hundred and fifty-two.*

[Approved April 27, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said act is hereby amended so as to read as follows:

How insolvent may proceed.

SEC. 2. Such insolvent debtor shall petition the Judge having original jurisdiction within the place of his domicil, or usual residence, which petition shall briefly state the circumstances which compel him to surrender his property to his creditors, and shall conclude with a prayer to make a cession of his estate, and to be discharged from his debts, in pursuance of the provisions of this act; *provided*, such insolvent debtor shall have resided within the county where he files his petition, for at least six months next preceding the filing of the same.

SEC. 2. Section eight is hereby amended so as to read as follows:

Notice to creditors, how given.

SEC. 8. The Judge granting the order for a meeting of the creditors shall direct the Clerk of the court to issue a notice calling the creditors or the insolvent to be and appear upon a specified day, not less than thirty nor more than forty days from the first publication of such notice, before said Judge, either in chambers, or in open court, as said Judge shall order, to show cause why the prayer of the alleged insolvent should not be granted. Said notice shall be published at least once a week for four successive weeks, in a newspaper printed in the county in which the application is made, if there be one; if there be none so published, then in a newspaper published nearest said county.

SEC. 3. Section twenty-four of said act is hereby amended so as to read as follows:

If accusation of fraud is ill-founded

Sec. 24. If the accusation of fraud brought against the debtor is declared to be ill-founded, or if there be no opposition to the surrender of his property, and provided said surrender has been made according to the provisions of this act, said debtor shall be released and fully discharged from any and all debts until then contracted, and contracted after the passage of this act, and from every judicial proceeding relative to the same; *provided*, always, that the release and discharge authorized by this section shall not apply to debts and liabilities not mentioned and set forth in the schedule, unless the insolvent shall declare in his petition that it is his desire to be discharged from all his debts and liabilities, and that he has described them according to the best of his knowledge and recollection; in which case the discharge and release authorized by this section shall embrace all his debts and liabilities, notwithstanding they may have been imperfectly described, or not described at all.

CHAP. CCCV.—*An Act to authorize the Sale of a Portion of the Real Estate of the late James Williams, Deceased.*

[Approved April 27, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authorized to make sales, etc.

SECTION 1. Isaac Williams, Executor of the last will and testament of James Williams, deceased, late of the county of Santa Cruz, is hereby authorized to make such a disposition or sale, public or private, and to convey such part, portion, or portions, of the real property belonging to the estate of the said James Williams, deceased, as may, in the discretion of the Probate Judge of the county of Santa Cruz seem meet and proper, to pay off any and all legal incumbrances at present existing upon said property.

May sell whole or part of property.

SEC. 2. Whenever the said Probate Judge shall have a hearing, either in term time or at chambers, and after such notice as he may order, either personal or by publication, deem it necessary and proper that a part or the whole of any such property should be sold for the purposes specified in this act, he may grant and order that the said Isaac Williams be allowed and authorized to sell and to convey, at public or private sale, the whole, or a part, of any such property as aforesaid, particularly specifying the same.

To give bond.

SEC. 3. The said Probate Judge may, before granting said order, require of the said Executor such bond as to him may seem proper, conditioned for the faithful performance of his duties in the sale, and that he will apply the proceeds of said sale as may be authorized by said Judge.

To take effect.

SEC. 4. This act shall take effect from and after its passage.

CHAP. CCCVI.—*An Act to facilitate the Establishment of Telegraphic Communication between California and the Atlantic States.*

[Approved April 27, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of one hundred thousand dollars is hereby appropriated and set apart, out of any moneys in the treasury not otherwise appropriated, to be disbursed, as hereinafter provided, for the purpose of facilitating the early construction and completion of one or more lines of magnetic telegraph from California to the Mississippi Valley. Amount appropriated.

SEC. 2. The said sum of one hundred thousand dollars shall be paid or disbursed in the way and manner following: To the company that shall first construct and put in complete working order a line of telegraphic wire from some point in California, connecting with the telegraphic system of this State, to some point east of the Rocky Mountains, connecting with the telegraphic system of the Atlantic States, there shall be paid as a bonus or premium, the sum of sixty thousand dollars, said sum to be paid in ten yearly payments of six thousand dollars per annum; and to the company that shall construct and put in complete working order the second line of telegraphic wire from some point in California, connecting with the telegraphic system of this State, to some point east of the Rocky Mountains, connecting with the telegraphic system of the Atlantic States, there shall be paid as a bonus or premium, the sum of forty thousand dollars, in ten yearly payments of four thousand dollars per annum; *provided*, however, that the said line or lines shall both be completed within eighteen months from the passage of this act, or they shall not be entitled to receive the whole or any part of the bonus or premium so offered; and, *provided* further, that if one line only of telegraphic wire be erected, completed, and put in perfect working order, in the way and manner aforesaid, and within the said period of eighteen months, the company constructing such line shall be entitled to receive the said bonus or premium of sixty thousand dollars; *provided*, also, that the government of this State shall, at all times during said period of ten years, be entitled to priority in the use of said line or lines, and that said use for government purposes shall be free of charge; and the payments to any company, which shall fail, for a period of six months, to keep its line in good working order, shall absolutely cease, and the State be discharged from all obligations to said company under this act. Manner of disbursement.

SEC. 3. The said line or lines of telegraphic wire shall be constructed in a good and substantial manner. The wire shall be suspended upon posts made from the best and most durable wood which is provided by the section of country through which said line or lines traverses, and the said line or lines shall be constructed in as thorough and workmanlike manner as other telegraphic lines usually are in the various sections of the Union, before any company shall be entitled to receive the bonus or premium herein provided. Manner of construction

Commissioners to decide upon rights of companies.

SEC. 4. The Governor of the State, Surveyor-General, and J. B. Crockett of San Francisco, are hereby constituted a Board of Commissioners, whose duty it shall be to decide upon the rights of any company or companies claiming either of said amounts herein appropriated and set apart for the purpose named; and, in the event of the compliance with the provisions hereinbefore set forth by any company or companies, to the full and perfect satisfaction of said Board of Commissioners, they — the said Board—shall duly certify the fact to the Controller of State, who shall draw his warrant or warrants upon the State treasury for the amount or amounts so certified to by said Board of Commissioners as being justly due such company, under the provisions and intentions of this act, and the Treasurer shall pay the said warrant or warrants, on presentation, out of the moneys hereby appropriated for said purpose; *provided*, however, that the certification of a majority of said Board shall be sufficient authority for the Controller to draw his warrant or warrants as aforesaid.

CHAP. CCCVII.—*An Act to authorize the Board of Supervisors of the City and County of Sacramento to Levy a Special Tax.*

[Approved April 27, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the city and county of Sacramento, are hereby authorized and required, in addition to the taxes already authorized by law to be collected for the year one thousand eight hundred and sixty, to levy and cause to be collected on all property throughout the city and county of Sacramento, subject to taxation, a tax of fifteen cents on each hundred dollars' worth of property, for county purposes. And they shall, in addition thereto, levy and cause to be collected on all property throughout the city of Sacramento subject

Special tax.

to taxation, a tax of ten cents on each hundred dollars' worth of property, for municipal purposes; said taxes to be collected at the same time and in the same manner as other taxes are collected for State, county, and city, purposes.

SEC. 2. The revenues collected under the provisions of this act for county purposes, shall be paid into the Agricultural Fund,

To be paid into certain fund.

and applied to the payment of all legal and equitable indebtedness which has been or may hereafter be allowed on account of the Pavilion or Agricultural Building, including the legal or equitable indebtedness, if any, to the State Agricultural Society, for advances made on account of said building; said claims to be paid in the order in which they have been or may hereafter be allowed.

SEC. 3. The revenues collected under the provisions of this act for city purposes, shall be applied to the payment of all legal debts or liabilities which have been allowed on account of the purchase of the Franklin School-House Lot, and the erec-

To what purpose applied.

tion and completion of the building thereon; and all warrants drawn by the Mayor of the city of Sacramento upon the treasury, in accordance with the charter and ordinances of said city for such school purposes, including the salaries of Teachers which have not been paid pursuant to section seventy-two of an act passed April twenty-fourth, one thousand eight hundred and fifty-eight, entitled "An Act to repeal the Act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled 'An Act to Incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto,' and to incorporate the City and County of Sacramento." The surplus, after paying the claims against the city herein provided for, shall be paid into the City School Fund.

SEC. 4. This act shall take effect and be in force from and after its passage. To take effect.

CHAP. CCCVIII.—*An Act to provide for the Disposal of Lots in the Towns and Villages on the Public Lands in Mendocino County.*

[Approved April 27, 1860.]

The People of the State of California, represented in Senate and Assembly do enact as follows:

SECTION 1. The public lands, not mineral lands, occupied as towns and villages in the county of Mendocino, at any time after the passage of this act, shall be entered at the proper Land Office by the corporate authorities of any such town, if the same be incorporated, and if not incorporated, by the Judge of the County Court of Mendocino County, in trust for the several use and benefit of the occupants of such town, according to their respective interests, in accordance with the provisions of an act of Congress entitled "An Act for the Relief of Citizens of Towns upon the Public Lands of the United States, under certain circumstances," approved May twenty-third, one thousand eight hundred and forty-four, as amended by an act entitled "An Act to provide for the Survey of Public Lands in California, the granting of Pre-Emption Rights thereon, and for other purposes," approved March third, one thousand eight hundred and fifty-three. Public lands entered.

SEC. 2. It is hereby made the duty of the County Surveyor of said county, when called upon by said County Judge or corporate authorities, as the case may be, and under his or their direction, to proceed to lay out such town or towns in said county into lots and blocks, numbering the lots and blocks in such town or towns, conforming as far as possible to the original plan thereof, and reserving for the public use, ornament, and health, as many unoccupied lots or blocks as may be deemed necessary for such purposes. And it shall also be the duty of the County Surveyor to make or cause to be made, two maps or plats of each of the towns in said county surveyed by him as aforesaid, one to be deposited with said County Judge or corporate authorities of the town, for the use of the town, and one Duty of Surveyor.

with the County Recorder of said county; *provided*, that the County Judge or corporate authorities, or both in conjunction, may, in their discretion, adopt any map or survey heretofore made of any town to which this act is applicable.

SEC. 3. Immediately after the entry of the lands at the proper Land Office, as provided by the first section of this act, the County Judge or corporate authorities, as the case may be, shall cause notice to be put in a newspaper published in said county, or if none be published therein, then in a newspaper published most convenient thereto, to be inserted once a week for the term of three months, requiring every claimant or claimants of any town lot or lots, or parcel of land, to file in the office of the County Clerk of said county, in case the town is unincorporated, or with the corporate authorities thereof, if the town be incorporated, within three months from the date of the first publication of the notice, a statement of his or their claim, describing particularly the lot or lots, or parcels of land, setting forth the grounds upon which it is founded; and within sixty days after the expiration of the notice as aforesaid, proof of such claim, and payment of the price fixed on the lot or lots, or parcels of land claimed, as hereinafter provided, must be made, and no claim shall be filed, or any proof shall be permitted to be made after the term respectively prescribed in this section.

Notice to be published.

SEC. 4. The expenses incurred in entering and surveying the lands as provided in this act, and the amount required to be paid for said land at the proper Land Office, shall be by the said County Judge, in case the town be unincorporated, and by the corporate authorities of the town, if the same be incorporated, assessed, and apportioned, with equality upon all the lots or parcels of land in said town; and no claim shall be allowed or certificate awarded to any claimant or claimants unless payment be made, if required, of the proportion due from such claimant or claimants.

Assess and apportion.

SEC. 5. The evidence required to establish any claim to any lot or lots, or parcels of land, in any town in said county, under the provisions of this act, shall be that the claimant thereof is a citizen of the United States, or has declared his intention to become such previous to the filing of his claim as hereinbefore provided, and is a resident of said county, and that the claimant was one of the original occupants and locators of such town, or holds his right to such lot or lots, or parcels of land, from such original occupant or locator, or his assignees; *provided*, no right to any unimproved lot or lots, or parcels of land, as last above mentioned, acquired after the passage of this act, shall be respected, unless the person from whom the same be acquired be at the time a resident of said county; and, *provided* further, that any person or persons, who has or have been in peaceable possession of any lot or lots, or parcels of land in such town, for one year next preceding the passage of this act, and has or have improved the same, shall be deemed to have prior right to said lots or parcels of land.

How to establish claim.

Proviso.

SEC. 6. The said County Judge or corporate authorities, as the case may be, shall proceed to dispose of the lots or parcels of land claimed, as provided for in this act, and for that purpose shall, as soon as practicable, examine each and every claim filed,

as herein provided, and any papers in support of the same, and hear such proof as the claimant or claimants may submit to establish his or their right thereto; and if the same shall be found to comply with the provisions of this act, and no conflicting claim shall have been filed, the said County Judge or corporate authorities, as the case may be, shall issue a certificate confirming his or their claim; which certificate may be recorded in the Recorder's office of said county in like manner and with the same effect as deeds are recorded.

Judge may grant certificate.

SEC. 7. In all cases where there shall be a dispute or contest in regard to the title to any lot, or lots, or parcels, of land in said town, the County Judge or corporate authorities, as the case may be, shall hear the testimony relating thereto, and shall give their certificate to such person or persons as may seem to be justly entitled to the same; *provided*, however, nothing contained in this act shall be so construed so as to prevent any person or persons aggrieved by the decision of said County Judge or corporate authorities, from pursuing his, her, or their, right, to any such lot, or lots, or parcels, of land, at law or equity.

Certificate deemed as evidence.

SEC. 8. The certificate herein mentioned or certified copies of the same, under the hand of the County Recorder, shall be deemed and taken in all courts of justice, as *prima facie* evidence of the facts stated therein, and as conveying a title to the holder, or person, or persons, in whose favor the same may be issued; *provided*, that when there shall have been a dispute or contest, as provided in section seventh of this act, and the party aggrieved shall, within sixty days, prosecute his or their rights in the proper tribunal, the provisions of this section as to the effect of a certificate shall not be applicable, but the rights of the parties before such tribunal shall be adjudicated on their original claims, as though no confirmation had been made.

Lots deemed belonging to town.

SEC. 9. All lots or parcels of land remaining unproved at the expiration of the time specified in section third of this act, shall be deemed as property of the town or village in which they are situated, and shall be held as such in trust by the corporate authorities, or, if there be none, by the County Judge, and shall be disposed of in a manner as such authorities may direct; *provided*, such lots shall be sold by auction to the highest bidder, after giving public notice for the space of at least thirty days, the proceeds of such sale to be appropriated to the exclusive benefit of such towns or villages.

To whom benefits of patents shall inure.

SEC. 10. Whenever a patent shall issue to said town or village, under the existing laws of Congress, it shall inure to the several benefit of those whose claims have been confirmed and to whom certificates have issued, to every intent as though the same had been issued directly to them, without any further or additional conveyance; and it is hereby made the duty of the corporate authorities or the County Judge, as the case may be, to cause said patent, when so issued, to be recorded in the Recorder's office of said county.

CHAP. CCCIX.—*An Act to Audit and Allow the Claim of Edmund Williamson & Co.*

[Approved April 22, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Claim allowed.

SECTION 1. The claim of Edmund Williamson & Co. for publishing advertisements of State officers during the years one thousand eight hundred and fifty-five and one thousand eight hundred and fifty-six, in the *Sun* newspaper, for the sum of eight hundred and forty-two dollars and fifty-one cents is hereby audited and allowed.

CHAP. CCCX.—*An Act to Regulate the Fees of the County Clerks of Los Angeles and San Diego Counties.*

[Become a Law by operation of the Constitution, April 27, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Fees of County Clerks.

SECTION 1. Such fees are allowed to the County Clerks of Los Angeles and San Diego counties for their services rendered in discharging the duties imposed on them by law as herein provided, and said County Clerks may lawfully charge, demand, and receive, the same.

FEES OF THE CLERK OF THE DISTRICT COURT.

Of Clerk of District Court.

SEC. 2. For entering each suit on the Clerk's register of action, fifty cents.

For making the necessary entries thereon during the trial, for each folio, thirty cents.

For issuing each subpena for each witness, twenty-five cents.

For issuing each commission to take testimony, one dollar.

For issuing a writ of attachment, or summons, or other writ of process under seal, seventy-five cents.

For issuing every execution or other final process under seal, seventy-five cents.

For entering return of attachment, execution, or other pross, fifty cents.

For entering each suit in plaintiff index, fifty cents.

For issuing every decree or order of sale of mortgaged property or writ of injunction, for the first folio, seventy-five cents, and for each subsequent folio, thirty cents.

For filing each paper, twenty-five cents.

For calling and swearing jury, seventy-five cents.

For entering appearance, fifty cents.

For entering every motion, rule, order, default, discontinuance, dismissal, or nonsuit, fifty cents.

For receiving and entering each verdict of a jury, seventy-five cents.

For polling each jury, fifty cents.

For entering every cause on the calendar and making a copy thereof for the bar, one dollar.

For entering every final judgment, for the first folio, one dollar; for each subsequent folio, thirty cents.

For each entry of judgment on judgment docket, fifty cents.

For each entry of satisfaction of judgment, seventy-five cents.

For filing judgment roll, fifty cents.

For copy of any proceeding, record, or paper, for each folio, thirty cents.

For every certificate or attestation under seal, seventy-five cents.

For administering every oath or affirmation, twenty-five cents.

For certifying every oath or affirmation, twenty-five cents.

For taking down testimony of witnesses during trial, for each folio, thirty cents, to be paid by the party requiring the same.

For receiving and filing every *remittitur* from Supreme Court and accompanying papers, one dollar.

For entering judgment by confession, the same fees as in other cases of entering judgment.

For taking each bond required by law, seventy-five cents.

For taking justification to bond, for each name thereto, fifty cents.

For acknowledgment of deed or other instrument, including all writing and seal, for the first name thereto, one dollar; for each additional name, twenty-five cents.

For searching the files of each year in his office, but not to charge suitors or Attorneys, fifty cents.

For copies of all papers and records, for each folio, thirty cents.

For the trial of each issue, when the charge is felony, five dollars; when the charge is misdemeanor, three dollars.

For all other services he shall receive one-half of the same fees as are allowed for similar services in civil cases.

FEES OF CLERK OF PROBATE COURT.

Of Clerk of Probate Court.

SEC. 3. For issuing letters testamentary or of administration, seventy-five cents.

For certificate of appointment of Appraisers and Guardians, seventy-five cents.

For writing and posting notices, when required, for each copy, seventy-five cents.

For notice given by publication, in addition to the costs of publication, seventy-five cents.

For recording wills, for each folio, thirty cents.

For making in the index thereto all the entries required of the filing and recording the same, twenty-five cents.

For all other services the same fees as are allowed the Clerk of the District Court for similar services.

FEES OF CLERK OF COUNTY COURT.

Of Clerk of County Court.

SEC. 4. For filing all the papers sent on appeal from Justice courts, in each case, two dollars.

For all other services the same fees as are allowed the Clerk of the District Court for similar services.

FEES OF CLERK OF COURT OF SESSIONS.

Of Clerk of Court of Sessions.

SEC. 5. The Clerk of the Court of Sessions shall receive the same fees as are allowed the Clerk of the District Court for similar services.

FEES OF COUNTY CLERK.

Of County Clerk.

SEC. 6. For filing any paper required, twenty-five cents.

For recording any instrument or paper when required, for each folio, thirty cents.

For making in the several indexes all entries required of the filing and recording any instrument, paper, or notice, twenty-five cents.

For all other services the same fees as are allowed the Clerk of the District Court for similar services.

FEES OF COUNTY RECORDER.

Of County Recorder.

SEC. 7. For recording every instrument, paper, or notice, when required, in the English language, for each folio, thirty cents.

In the Spanish language, for each folio, fifty cents.

For filing and receiving every instrument or paper for record, twenty-five cents.

For making the necessary entries in every instrument, paper, or notice filed for record, fifty cents.

For filing and keeping each paper not required to be recorded, and indorsing the same, fifty cents.

For making in the several indexes the entries required of the filing and recording any instrument, paper, or notice, for each entry, twenty-five cents.

For every certificate or attestation under seal, seventy-five cents.

For every entry or discharge of mortgage on margin of record, fifty cents.

For indexing every satisfaction of mortgage, twenty-five cents.

For searching records and files of each year in his office, fifty cents.

For abstract or certificate of title, when required, for each conveyance or incumbrance certified, one dollar.

For recording every plat or map, for every course, thirty cents.

For figures and lettering plats and maps, for each folio, one dollar.

For acknowledgment of deed or other instrument, including all writing and seal, for the first name thereto, one dollar.

For each additional name, twenty-five cents.

For entering a minute of Sheriff sale, fifty cents.

For filing and recording every marriage certificate, or record

of birth, death, or the appointment of Executors or Administrators upon the estate of deceased parties, one dollar.

For recording every mark, brand, or counter-brand, two dollars.

For copies of papers and records, the same fees as are allowed for recording the same.

FEES OF COUNTY AUDITOR.

Of County Auditor.

SEC. 8. The County Auditor shall receive for all services rendered by him, in the discharge of the duties imposed on him by law, for each folio, twenty-five cents.

For services in examining, settling, and adjusting, the accounts of the County Treasurer, Sheriff, Assessor, Tax Collector, or any other revenue officer, upon the days required by law, for each day so employed, six dollars.

For filing and indorsing each paper, twenty-five cents.

For all other services, the fees as are allowed the County Clerk for similar services.

THE CLERK OF THE BOARD OF SUPERVISORS.

Of Clerk of Board of Supervisors.

SEC. 9. The Clerk of the Board of Supervisors, the Clerk of the Board of Canvassers, and the Clerk of the Board of Equalization, shall receive for each day's attendance on said Board, the sum of six dollars, together with such other compensation for his services, while the Board of Supervisors are not in session, as the said Board may allow.

Repealing clause.

SEC. 10. So much of an act of the Legislature of the State of California entitled "An Act to regulate Fees in Office in certain Counties of this State," approved April twenty-fifth, one thousand eight hundred and fifty-seven, and all other acts amendatory thereof and acts heretofore passed, so far as the same relate to the fees herein provided for the counties of San Diego and Los Angeles, are hereby repealed.

To take effect.

SEC. 11. This act shall take effect and be in force from and after its passage.

[This bill having remained with the Governor ten days (Sundays excepted), and the Senate and Assembly being in session, it has become a law this twenty-seventh day of April, A. D. one thousand eight hundred and sixty.

JOHNSON PRICE, Secretary of State.]

CHAP. CCCXI.—*An Act to appropriate Fifteen Thousand Dollars for the Construction of a Wagon Road through the County of Santa Barbara.*

[Approved April 27, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Amount appropriated.

SECTION 1. The sum of fifteen thousand dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the construction of a wagon road in the county of Santa Barbara, to commence at the top of Santa Susana Hill, and passing through the said county by the Gaviota Pass to the boundaries of the county of San Luis Obispo; *provided*, that the said county shall also appropriate and first expend the sum of fifteen thousand dollars upon the construction of said road.

Duty of Governor.

SEC. 2. When it shall be made to appear to the satisfaction of the Governor that the said county of Santa Barbara has appropriated and expended the said fifteen thousand dollars as aforesaid, he shall make a written statement to that effect, to be indorsed on the application of the Board of Supervisors of said county to the Controller of State for the money herein appropriated; thereupon the Controller shall draw a warrant on the State Treasurer for the said sum of fifteen thousand dollars, payable to the order of the President of the Board of Supervisors of the county of Santa Barbara, out of any money in the treasury not otherwise appropriated, and the Treasurer shall pay the same.

Of Treasurer.

SEC. 3. It shall be the duty of the Treasurer of the county of Santa Barbara to receive, safely keep, and, upon the warrants of the County Auditor, issued under the direction of the Board of Supervisors of the said county, pay out the said moneys so as aforesaid appropriated by said county and by the State; and for all said services he shall be entitled to charge and deduct one-fourth of one per cent. upon the said moneys; *provided*, that the Board of Supervisors or the County Judge may, if they see fit, require the said Treasurer to file additional bond in a sum not to exceed the whole amount of said moneys.

Road Fund.

SEC. 4. The said moneys, together with other moneys that now are, or hereafter may be, appropriated for the construction and repair of roads in said county, shall constitute a separate fund, to be denominated the "Road Fund" of Santa Barbara County; and the Treasurer and Auditor of said county shall keep a separate account of the same in their respective books.

Powers of Board designated.

SEC. 5. For the purpose of the construction and repair of roads and the laying out of all and singular the aforesaid moneys, the said Board of Supervisors shall have and exercise all and singular the powers specified in the fifteenth section of an act entitled "An Act to authorize the County of Santa Barbara to issue Bonds for the funding of its Debt and the construction of Roads, and to provide for the Payment of said Bonds," passed April eleventh, one thousand eight hundred and fifty-nine.

SEC. 6. Whenever the Board of Supervisors of said county shall, by an order to that effect entered on their minutes, have directed the Treasurer of said county to issue the bonds men-

tioned in sections thirteen and fourteen of said act of April eleventh, one thousand eight hundred and fifty-nine, in the manner therein directed, the said county shall be deemed to have duly appropriated the said sum of fifteen thousand dollars in the first section of this act provided to be appropriated by said county, and a certificate to that effect, duly signed and sealed, shall be considered sufficient evidence of that fact.

Appropriation deemed to have been made.

SEC. 7. This act shall take effect on the first day of August, one thousand eight hundred and sixty, unless before that time the territory described in section one of an act passed April eighteenth, one thousand eight hundred and fifty-nine, entitled "An Act granting the consent of the Legislature to the formation of a different Government for the Southern Counties of this State," shall have ceased to be a part of this State, in which case this act shall take no effect.

To take effect.

CHAP. CCCXII.—*An Act supplementary and additional to "An Act to Incorporate the City of Nevada," approved April nineteenth, one thousand eight hundred and fifty-six.*

[Approved April 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In the public streets already laid out and opened by lawful authority in the city of Nevada, or in the public streets which shall be hereafter laid out, opened, and used, in said city, all expense for paving and planking the sidewalks, and the expense of all works and repairs necessary to keep said sidewalks in good condition and repair, and all expense of paving and planking the streets, shall be assessed upon owners of lots on each side of the street. Every owner of a lot shall be liable for the expense of planking and paving the sidewalk in front of his lot. The expense of paving and planking the streets shall be assessed upon the owners of lots on each side of such street, and in proportion to the frontage, at an assessed rate per foot sufficient in all to cover the total expense of such work.

Owners to be assessed for repairs of streets.

SEC. 2. The Board of Trustees of the city of Nevada, by an ordinance, may declare and establish the necessity of any such work and repairs as is specified in section one of this act, describing particularly in such ordinance the extent, kind, and character, of the work to be done, and fixing the time within which it shall be done.

Board to determine whether necessary.

SEC. 3. Whenever any such ordinance may be passed, the owner or occupant of the lot may do the paving or planking of the sidewalk, or the paving or planking of the street to the center of such street, in front of such lot or part of lot so owned or occupied, under the direction and control of the said Board of Trustees, and within such time as may be specified in such ordinance. Whenever such work shall not be done within the time prescribed, said Board of Trustees may levy a tax upon said lots

Owner or occupant may repair, etc.

sufficient to do the work specified, which tax shall be assessed and collected in the same manner as other city taxes now are or may be hereafter.

If not done by owner, to be let to the lowest bidder.

SEC. 4. All work herein authorized and required to be done, shall in all cases when not done by the owner or occupant of the lot, be let out to the lowest bidder offering adequate security. Before giving out any contract, the Board of Trustees shall cause notice to be inserted in each of the newspapers published in the city of Nevada, for one week, inviting sealed proposals for the work contemplated to be done. Such proposals so made shall be opened and examined in public session, and the contract or contracts shall be awarded as hereinbefore provided. Said Board of Trustees may provide by ordinance for any such system of sewerage and for any and all street crossings that they may deem proper.

To take effect.

SEC. 5. This act shall take effect from and after its passage.

CHAP. CCCXIII.—*An Act abolishing the Office of County Assessor and establishing the Office of Township Assessor, in the County of Calaveras.*

[Approved April 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Office abolished.

SECTION 1. From and after the expiration of the term of office of the present incumbent, in the office of County Assessor of the county of Calaveras, the said office shall be and the same is hereby abolished, and the office of Township Assessor, in and for said county, is hereby created.

Certain officers ex officio Assessors

SEC. 2. The Township Collectors of poll taxes, license taxes, and foreign miners' license taxes, shall, on and after the month of March, in the year one thousand eight hundred and sixty-one, be *ex officio* Assessors in the township for which they are elected.

To give bond

SEC. 3. Each Township Assessor, before entering upon the duties of his office, shall execute to the people of the State of California, a bond in the penal sum of three thousand dollars, or in a greater sum if the Board of Supervisors of said county shall require it, with two or more sufficient sureties, to be approved by the County Judge of said county, conditioned for the faithful performance of all the duties of his office required by law, and shall take the oath of office, which shall be indorsed upon his certificate of election or appointment.

Vacancy.

SEC. 4. In cash of a vacancy in the office of Township Assessor, or failure of any Township Assessor to qualify as aforesaid, within thirty days after his election, the Board of Supervisors of said county shall order an election to fill said office of Township Collector and Assessor, as aforesaid, for the remainder of the term.

Auditor to prepare assessment roll

SEC. 5. The County Auditor of said county shall, with the advice and assistance of the District Attorney of said county, prepare an assessment roll, with proper headings, in a well bound

book for each Assessor in said county, and shall, on or before the first day in April in each year, after the year one thousand eight hundred and sixty-one, deliver the same to such Assessor.

Assessors to complete the same.

SEC. 6. On or before the first Monday in June, on and after the year one thousand eight hundred and sixty-two, each Township Assessor shall complete his assessment roll, and make and subscribe before the Clerk of the Board of Supervisors of said county an affidavit, which shall be attached to his assessment roll, which shall be in the following form: "I, A B, do solemnly swear that the foregoing is a true and correct assessment roll of my township, in the county of Calaveras; that I have diligently and faithfully performed all the duties required of me by law; that I have made diligent search for all taxable inhabitants, and in every case have demanded from each person and firm, and from the President, Cashier, Treasurer, Secretary, or Managing Agent, of each corporation, association, or company, within my township, when such person could be found, a statement under oath of the taxable property of such person and firm, corporation, association, or company; and that I have impartially assessed the value of all property within my township, so help me God." And at the same time he shall deliver said assessment roll to the Clerk of the Board of Supervisors, who shall from that time keep the same open for inspection in his office until the meeting of the Board of Equalization.

Clerk to enter corrections, etc.

SEC. 7. During the session of the Board of Equalization the Clerk thereof shall enter upon the assessment roll of each township all changes and corrections made by the Board, and shall, on their adjournment, forthwith deliver the assessment rolls so corrected to the County Auditor, whose duty it shall be to add up the columns of valuation of each description of property on the assessment roll of each township; and on or before the first Monday of July, on and after the year one thousand eight hundred and sixty-two, he shall deliver a true copy of the corrected assessment roll of each township, to be styled a "Duplicate Assessment Roll," with the State, county, and other taxes, and totals of taxes to each person, carried out in separate columns, with his certificate and seal thereto attached, to the Collector for which the asessment roll was made.

Auditor to charge Collector full amount of taxes.

SEC. 8. On delivering the duplicate assessment roll to the Collector, the Auditor shall charge him with the full amount of taxes assessed in his township, and shall forthwith transmit by mail to the Controller of State a statement of the total amount so charged in his county, together with the aggregate assessed value of the property upon which the same is due, which statement shall be verified by the oath of the Auditor, and entered by the Controller in the proper records of his office.

Liability of Township Assessors.

SEC. 9. The Township Assessors provided for herein shall be responsible in all respects, and shall be liable under general laws relating to County Assessors where the same is not qualified by the provisions of this act; and the said Assessors are hereby clothed with the same authority in their official capacity as are County Assessors, to the extent of each particular township.

Repealing clause.

SEC. 10. All acts and parts of acts, in conflict with the provisions of this act are hereby repealed, so far as they relate to the county of Calaveras.

CHAP. CCCXIV.—*An Act to amend an Act entitled "An Act to regulate Proceedings in Civil Cases in the Courts of Justice in this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, and other Acts amendatory thereto.*

[Approved April 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-three of said act is amended so as to read as follows:

When summons may issue.

SEC. 23. The Clerk shall indorse on the complaint, the day, month, and year, the same is filed, and at any time within one year after the filing of the same, the plaintiff may have a summons issued. The summons shall be signed by the Clerk and directed to the defendant, and be issued under the seal of the court.

SEC. 2. Section twenty-eight of said act is amended so as to read as follows:

Where may be served, and by whom.

SEC. 28. The summons shall be served by the Sheriff of the county where the defendant is found, or by his Deputy, or by a person specially appointed by him, or appointed by a Judge of the court in which the action is brought, or by any white male citizen of the United States, over twenty-one years of age, who is competent to be a witness on the trial of the action, except as hereinafter provided. A copy of the complaint, certified by the Clerk, shall be served with the summons. When the summons is served by the Sheriff, or his Deputy, it shall be returned with the certificate or affidavit of the officer of its service, and of the service of the copy of the complaint, to the office of the Clerk from which the summons issued. When the summons is served by any other person, as before provided, it shall be returned to the office of the Clerk from which it issued, with the affidavit of such person of its service, and of the service of a copy of the complaint. If there be more than one defendant in the action, and such defendants reside within the county, a copy of the complaint need be served on only one of the defendants.

SEC. 3. Section thirty-eight of said act is amended so as to read as follows:

Pleadings.

Sec. 38. The only pleadings on the part of the plaintiff shall be the complant, demurrer, or replication to the defendant's answer; and the only pleadings on the part of the defendant shall be a demurrer to the complaint, or a demurrer to the replication, or an answer to the complaint. The demurrer or answer of the defendant, and the demurrer or replication of the plaintiff, shall be filed with the Clerk, and a copy thereof served on the adverse party or his Attorney.

SEC. 4. Section forty-six of said act is amended so as to read as follows:

Sec. 46. The answer of the defendant shall contain:

Answer.

First—If the complaint be verified, a specific denial to each allegation of the complaint controverted by the defendant, or a denial thereof, according to his information and belief. If the complaint be not verified, then a general denial to each of said

allegations; but a general denial shall only put in issue the material and express allegations of the complaint.

Second—A statement of any new matter or counter-claim, constituting a defense, in ordinary and concise language. When the answer contains new matter constituting a defense, the plaintiff may, within the same length of time allowed for answering and subject to the same rules, reply to such new matter, and if he fail to do so, such new matter shall be taken as true and deemed proved at the trial. If new matter of set-off and counter-claim be set up in the answer, the reply may contain matter of set-off and counter-claim not embraced in the complaint. All new matter set up in the replication shall be deemed denied by the defendant.

SEC. 5. Section forty-seven of said act is hereby amended so as to read as follows:

Counter-claim.

Sec. 47. The county claim mentioned in the last section shall be one existing in favor of the defendant or plaintiff, and against a plaintiff or defendant, between whom a several judgment might be had in the action and arising out of one of the following causes of action:

First—A cause of action arising out of the transaction set forth in the complaint or answer, as the foundation of the plaintiff's claim, or defendant's defense, or connected with the subject of the action.

Second—In an action arising upon contract; any other cause of action arising also upon contract and existing at the commencement of the action.

SEC. 6. Section fifty of said act is amended so as to read as follows:

When answer contains new matter, etc.

Sec. 50. When the answer contains new matter, the plaintiff may, within the number of days in which the defendant is, by the summons, required to answer, said days to be computed from the time of the service on the plaintiff of such answer, demur to the same for insufficiency, stating in his demurrer the grounds thereof, and he may also, within the same time, demur to one or more defenses set up in the answer, and the defendant may, in like manner, demur to the plaintiff's replication; sham and irrelevant answers, replications, and defenses, and so much of any answer or replication as may be irrelevant, redundant, or immaterial, may be stricken out, on motion, and upon such terms as the court in its discretion may impose.

SEC. 7. Section fifty-one of said act is hereby amended so as to read as follows:

Pleading etc

Sec. 51. Every pleading shall be subscribed by the party or his Attorney; and when the complaint is verified by affidavit, the answer and replication shall be verified also, except as provided in the next section.

SEC. 8. Section fifty-two of said act is hereby amended so as to read as follows:

Verification of answer may be omitted.

Sec. 52. The verification of the answer or replication required in the last section may be omitted when an admission of the truth of the complaint or answer might subject the party to prosecution for felony or misdemeanor.

SEC. 9. Section fifty-four of said act is hereby amended so as to read as follows:

Execution of instrument, etc.

Sec. 54. When the defense to an action is founded upon a written instrument and a copy thereof is contained in the answer or a copy is annexed thereto, the genuineness and due execution of such instrument shall be deemed admitted, unless the replication denying the same be verified.

Sec. 10. Section sixty-five of said act is hereby amended so as to read as follows:

Complaint, or answer.

Sec. 65. Every material allegation of the complaint or answer, not specifically controverted by the answer or replication, shall, for the purpose of the action, be taken as true. The allegation of new matter in the replication, shall, on the trial, be deemed controverted by the adverse party.

Sec. 11. Section sixty-seven of said act is hereby amended so as to read as follows:

Either party may amend pleadings within ten days.

Sec. 67. After demurrer and before the trial of issue on demurrer, either party may, within ten days, amend any pleading demurred to, of course and without costs, filing the same as amended and serving a copy thereof upon the adverse party or his Attorney, who shall have ten days to answer, reply, or demur, thereto; but a party shall not so amend more than once. When a demurrer to a complaint or answer is overruled, and there is no answer or replication filed, the court may, upon such terms as shall be just and upon the payment of costs, allow an answer or replication to be filed. If a demurrer to the replication be overruled, the facts alleged in the replication shall still be considered as denied.

Sec. 12. Section sixty-eight of said act is hereby amended so as to read as follows:

Court may amend.

Sec. 68. The court may, in furtherance of justice and on such terms as may be proper, amend any pleading or proceedings by adding or striking out the name of any party, or by correcting a mistake in the name of any party, or a mistake in any other respect, and may, upon like terms, enlarge the time for an answer, or demurrer, or replication. The court may likewise, upon affidavit showing good cause therefor, after notice to the adverse party, allow, upon such terms as may be just, an amendment to any pleading or proceeding in other particulars, and may, upon like terms, allow an answer or replication to be made after the time limited by this act; and may, upon such terms as may be just, and upon payment of costs, relieve a party or his legal representatives from a judgment, order, or other proceeding, taken against him through his mistake, inadvertence, surprise, or excusable neglect; when from any cause the summons and a copy of the complaint in an action have not been personally served on the defendant, the court may allow, on such terms as may be just, such defendant or his legal representatives, at any time within six months after the rendition of any judgment in such action, to answer to the merits of the original action.

Sec. 13. Section one hundred and twenty of said act is amended so as to read as follows:

Plaintiff may have property attached.

Sec. 120. The plaintiff, at the time of issuing his summons, or at any time afterwards, may have the property of the defendant attached as security for the satisfaction of any judgment that may be recovered, unless the defendant give security to pay such judgment, as hereinafter provided, in the following cases:

First—In an action upon a contract, express or implied, for the direct payment of money, which contract is made or is payable in this State, and is not secured by a mortgage, lien, or pledge, upon real or personal property, or, if so secured, that such security has been rendered nugatory by the act of the defendant.

Second—In an action upon a contract, express or implied, against a defendent not residing in this State.

SEC. 14. Section one hundred and twenty-one of said act is amended so as to read as follows:

Clerk to issue writ of attachment.

Sec. 121. The Clerk of the court shall issue the writ of attachment upon receiving an affidavit by, or on behalf of, the plaintiff, which shall be filed, showing:

First—That the defendant is indebted to the plaintiff (specifying the amount of such indebtedness, over and above all legal set-offs and counter-claims), upon a contract, express or implied, for the direct payment of money, and that such contract was made or is payable in this State, and that the payment of the same has not been secured by any mortgage, lien, or pledge, upon real or personal property; or,

Second—That the defendant is indebted to the plaintiff (specifying the amount of such indebtedness as near as may be, over and above all legal set-offs or counter-claims), and that the defendant is a non-resident of the State; and,

Third—That the sum for which the attachment is asked is an actual, *bona fide* existing debt, due and owing from the defendant to the plaintiff, and that the attachment is not sought and the action is not prosecuted to hinder, delay, or defraud, any creditor or creditors of the defendant.

SEC. 15. Section one hundred and twenty-two of said act is amended so as to read as follows:

Plaintiff to give written undertaking.

Sec. 122. Before issuing the writ, the Clerk shall require a written undertaking on the part of the plaintiff, in a sum not less than two hundred dollars, not exceeding the amount claimed by the plaintiff, with sufficient sureties, to the effect that if the defendant recover judgment, the plaintiff will pay all costs that may be awarded to the defendant, and all damages which he may sustain by reason of the attachment, not exceeding the sum specified in the undertaking.

SEC. 16. Section one hundred and thirty-eight of said act is amended so as to read as follows:

Defendant may apply to have attachment discharged.

Sec. 138. The defendant may also, any time before the time for answering expires, apply, on motion, upon reasonable notice to the plaintiff, to the court in which the action is brought, or to the Judge thereof, or to a County Judge, that the attachment be discharged, on the ground that the writ was improperly or irregularly issued.

SEC. 17. Section one hundred and thirty-nine of said act is amended so as to read as follows:

If motion made upon affidavits, plaintiff may oppose, etc.

Sec. 139. If the motion be made upon affidavits, on the part of the defendant, but not otherwise, the plaintiff may oppose the same by affidavits or other evidence, in addition to those on which the attachment was made.

SEC. 18. Section one hundred and forty of said act is amended so as to read as follows:

Writ may be discharged if irregularly issued.

Sec. 140. If, upon such application, it shall satisfactorily appear that the writ of attachment was improperly or irregularly issued, it shall be discharged.

SEC. 19. Section one hundred and sixty-two of said act is amended so as to read as follows:

Challenges for cause.

Sec. 162. Challenges for cause may be taken on one or more of the following grounds:

First—A want of any of the qualifications prescribed by statute to render a person competent as a juror.

Second—Consanguinity or affinity, within the third degree, to either party.

Third—Standing in the relation of guardian and ward, master and servant, employer and clerk, or principal and agent, to either party, or being a member of the family of either party, or a partner in business with either party, or being security on any bond or obligation for either party.

Fourth—Having served as a juror or been a witness on a previous trial between the same parties for the same cause of action.

Fifth—Interest on the part of the juror in the event of the action or in the main question involved in the action, except the interest of the juror as a member or citizen of a municipal corporation.

Sixth—Having formed or expressed an unqualified opinion or belief as to the merits of the action.

Seventh—The existence of a state of mind in the juror evincing enmity against, or bias to, either party.

SEC. 20. Section two hundred and thirty-one of said act is amended so as to read as follows:

May redeem property, etc.

Sec. 231. The judgment debtor or redemptioner, may redeem the property from the purchaser within six months after the sale, on paying the purchaser the amount of his purchase, with twelve per cent. thereon in addition, together with the amount of any assessment or taxes which the purchaser may have paid thereon after the purchase and interest on such amount; and if the purchaser be also a creditor having a prior lien to that of the redemptioner other than the judgment under which such purchase was made, the amount of such lien with interest.

SEC. 21. Section two hundred and thirty-two of said act is amended so as to read as follows:

Another redemptioner may redeem, etc.

Sec. 232. If property be so redeemed by a redemptioner, either the judgment debtor or another redemptioner may, within sixty days after the last redemption, again redeem it from the last redemptioner, on paying the sum paid on such last redemption, with four per cent. thereon in addition, and the amount of any assessment or taxes which the said last redemptioner may have paid thereon after the redemption by him, with interest on such amount, and in addition the amount of any liens held by said last redemptioner prior to his own, with interest; *provided*, that the judgment under which the property was sold need not be so paid as a lien. The property may be again, and as often as the debtor or a redemptioner is so disposed, redeemed from any previous redemptioner, within sixty days after the last redemption, with four per cent. thereon in addition, and the amount of any assessments or taxes which the last previous redemptioner paid after the redemption by him, with interest thereon, and the

amount of any liens, other than the judgment under which the property was sold, held by the said last redemptioner previous to his own, with interest. Notice of redemption shall be given to the Sheriff; if no redemption be made within six months after the sale, the purchaser, or his assignee, shall be entitled to a conveyance; or if so redeemed, whenever sixty days have elapsed, and no other redemption has been made and notice thereof given, the time for redemption shall have expired, and the last redemptioner or his assignee, shall be entitled to a Sheriff's deed. If the debtor redeem at any time before the time for redemption expires, the effect of the sale shall be terminated and he be restored to his estate.

SEC. 22. Section two hundred and thirty-seven of said act is hereby amended so as to read as follows:

Sec. 237. If the purchaser of real property, sold on execution, or his successor in interest, be evicted therefrom in consequence of irregularities in the proceedings concerning the sale, or of the reversal or discharge of the judgment, he may recover the price paid, with interest, from the judgment creditor. If the purchaser of property at Sheriff's sale or his successor in interest, fail to recover possession, in consequence of irregularity in the proceedings concerning the sale, or because the property sold was not subject to execution and sale, the court having jurisdiction thereof shall, on petition of such party in interest or his Attorney, revive the original judgment for the amount paid by such purchaser at the sale, with interest thereon from the time of payment, at the same rate that the original judgment bore; and when so revived the said judgment shall have the same effect as an original judgment of the said court of that date, and bearing interest as aforesaid, and any other or after acquired property, rents, issues, or profits, of the said debtor, shall be liable to levy and sale under execution in satisfaction of such debt; *provided*, that no property of such debtor sold *bona fide* before the filing of such petition, shall be subject to the lien of said judgment; and, *provided* further, that notice of the filing of such petition shall be made by filing a notice thereof in the Recorder's office of the county where such property may be situated; and that said judgment shall be revived in the name of the original plaintiff or plaintiffs, for the use of said petitioner, the party in interest.

If purchaser evicted, may recover price paid, with interest

SEC. 23. Section two hundred and forty-six of said act is hereby amended so as to read as follows:

Sec. 246. There shall be no action for the recovery of any debt or the enforcement of any right secured by a mortgage or lien upon real estate or personal property, which shall be for an enforcement of said lien or mortgage, in accordance with the provisions of this chapter; in such action the court shall have power by its judgment or decree to direct a sale of the incumbered property or such part thereof as shall be necessary, and the application of the proceeds to the payment of the costs and expenses of the sale, the costs of the writ, and the amount due to the plaintiff; if it shall appear from the Sheriff's return that there is a deficiency of such proceeds and a balance still due to the plaintiff, the judgment shall then be docketed for such balance, and shall from the time of such docketing be a lien upon

No action to lie for recovery of debt secured by mortgage.

the real estate of the judgment debtor, and an execution may be issued by the Clerk of the court, as upon other judgments against the property of the judgment debtor, to collect such balance or deficiency.

SEC. 24. Section two hundred and fifty-eight of said act is hereby amended so as to read as follows:

Court may grant order for either party to make survey

Sec. 258. The court in which an action is pending for the recovery of real property, or a Judge thereof, or a County Judge, may, on motion, upon notice by either party, for good cause shown, grant an order allowing to such party the right to enter upon the property and make survey and measurement thereof for the purposes of the action.

SEC. 25. Section three hundred and seventeen of said act is amended so as to read as follows:

Liability of steamers, etc

Sec. 317. All steamers, vessels, and boats, shall be liable:

First—For services rendered on board at the request of, or on contract with, their respective owners, masters, agents, or consignees.

Second—For supplies furnished for their use, at the request of their respective owners, masters, agents, or consignees.

Third—For materials furnished for their construction, repair, or equipment.

Fourth—For their wharfage and anchorage within this State.

Fifth—For nonperformance or malperformance of any contract for the transportation of persons or property made by their respective owners, masters, agents, or consignees.

Sixth—For injuries committed by them to persons or property.

The said several causes of action shall constitute liens upon all steamers, vessels, and boats, and have priority in their order herein enumerated, and shall have preference over all other demands; *provided*, such lien shall only continue in force for the period of one year from the time the cause of action accrued.

SEC. 26. Section five hundred and thirty-three of said act is amended so as to read as follows:

Certain provisions of act applicable to Justices' courts.

Sec. 533. The provisions of title one of this act, as to parties to actions, shall be applicable to actions of which a Justice's Court has jurisdiction; also, the provisions of this act from section three hundred and seventeen to section three hundred and thirty-two, both sections inclusive, are hereby made applicable to Justices' courts, the word "Justice" being substituted for the word "Clerk," and the word "Constable" for the word "Sheriff."

SEC. 27. Section five hundred and fifty-one of said act is amended so as to read as follows:

Plaintiff may have property of defendant attached, etc.

Sec. 551. In an action upon a contract, express or implied, made after the passage of this act, for the direct payment of money, which contract is made or is payable in this State, and is not secured by mortgage, lien, or pledge, upon real or personal property, the plaintiff at the time of issuing the summons or at any time afterwards, may have the property of the defendant attached as security for the satisfaction of any judgment that may be recovered, unless the defendant give security to pay such judgment, as hereinafter provided.

SEC. 28. Section five hundred and fifty-three of said act is hereby amended so as to read as follows:

Sec. 553. Before issuing the writ, the Justice shall require a written undertaking on the part of the plaintiff, with two or more sufficient sureties, to the effect that if the defendant recover judgment the plaintiff will pay all costs that may be awarded to the defendant, and all damages which he may sustain by reason of the attachment. Justice to require written undertaking, etc.

SEC. 29. Section six hundred and thirteen of said act is amended so as to read as follows:

Sec. 613. The Justice may, at the request of a party, and on being satisfied that it is expedient, specially depute any discreet person of suitable age and not interested in the action, to serve a summons or execution, with or without an order to arrest the defendant, or with or without a writ of attachment. The said Justice shall be liable on his official bond for all official acts of the person so deputed. Such deputation shall be in writing on the process. Order of arrest.

SEC. 30. Section six hundred and twenty-eight of said act is amended so as to read as follows:

Sec. 628. An appeal from a Justice's Court shall not be effectual for any purpose, unless an undertaking be filed, with two or more sureties, in the sum of one hundred dollars, for the payment of the costs on the appeal; or, if a stay of proceedings be claimed, in a sum equal to twice the amount of the judgment, including costs, when the judgment is for the payment of money; or twice the value of the property, including costs, when the judgment is for the recovery of specific personal property, and shall be conditioned, when the action is for the recovery of money, that the appellant will pay the amount of the judgment appealed from and all costs, if the appeal be withdrawn or dismissed, or the amount of any judgment and all costs that may be recovered against him in the said action in the County Court. When the action is for the recovery of specific personal property, the undertaking shall be conditioned that the appellant will pay the judgment and costs appealed from, and obey the order of the court made therein, if the appeal be withdrawn or dismissed, or any judgment and costs that may be recovered against him in said action in the County Court, and will obey any order made by the court therein. The undertaking shall be accompanied by the affidavits of the sureties that they are residents of the county, and are each worth the amount specified in the undertaking, over and above all their just debts and liabilities, exclusive of property exempt from execution; or the bond shall be executed by a sufficient number of sureties who can justify, in the aggregate, to an amount equal to double the amount specified in the bond, or a deposit of the amount of the judgment, including all costs appealed from, or of the value of the property, including all costs in actions for the recovery of specific personal property, with the Justice. And such deposit shall be equivalent to the filing of the undertaking in this act mentioned; and in such cases the Justice shall transmit the money to the Clerk of the County Court, to be by him paid out on the order of the court. The adverse party may, however, except to the sufficiency of the sureties within five days after the filing of the undertaking, and unless they or other sureties justify before the Justice be- Appeal. Action for recovery of personal property.

fore whom the appeal is taken, within five days thereafter, upon notice to the adverse party, to the amounts stated in their affidavits, the appeal shall be regarded as if no such undertaking had been given.

SEC. 31. Section six hundred and thirty-five of said act is amended so as to read as follows:

Sec. 635. The provisions of sections thirty-two, three hundred and sixty-eight, three hundred and sixty-nine, three hundred and seventy, three hundred and seventy-one, three hundred and seventy-two, three hundred and seventy-three, five hundred and nineteen, five hundred and twenty, five hundred and twenty-three, five hundred and twenty-five, five hundred and twenty-six, five hundred and twenty-seven, five hundred and thirty-one, five hundred and thirty-two, shall be applicable to Justices' courts and actions therein.

Provisions of act applicable to Justices' courts.

CHAP. CCCXV.—*An Act to amend an act entitled "An Act authorizing the Construction of a Telegraph Line from the City of San Francisco to the City of Los Angeles," approved March eighteenth, one thousand eight hundred and fifty-eight.*

[Approved April 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section first of said act is hereby amended so as to read as follows:

Sec. 1. The right and privilege is hereby granted to Solomon A. Sharp, Leonidas Haskell, Robert H. Bacon, and James S. Graham, and their assigns, to construct and put in operation and maintain an electro-magnetic telegraph line from the city of San Francisco, by the way of the city of San José and other intermediate points, to Fort Yuma, with right of way over any lands belonging to this State, and on or along any streets, roads, or highways, or across any stream or streams; *provided*, they do not obstruct the same.

Right to construct telegraph.

SEC. 2. Section sixth of said act is hereby am nded so as to read as follows:

Sec. 6. Said parties shall proceed in good faith, and within three years after the passage of this act, to construct and put in operation the said line.

CHAP. CCCXVI.—*An Act for the Protection of Fisheries.*

[Approved April 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the passage of this act no Chinese or Mongolian shall be allowed to catch or take fish from any river, bay, strait, lake, or arm of the sea, within this State, unless he shall have a license therefor as hereinafter provided.

SEC. 2. It shall be the duty of the Controller of State to procure a sufficient number of blank licenses, which shall be substantially in the following form, and numbered consecutively, and a record thereof filed in his office; he shall deliver the licenses to the Collector hereafter provided for, and take his receipt for the same upon the books of the office. To issue license.

FORM OF LICENSE.

To be renewed upon the expiration of the term.

No..... Date.....	No..... Date.....
.....	This certifies that.....
Has paid four dollars Fishing License, which entitles him to take fish in this State for the term of one month.	has this day paid the State of California four dollars, which entitles him to take fish in the State of California for one month from this date.
	.....
	Controller of State.
	By ..... Collector.

Every subsequent license shall be dated from the expiration of the preceding one.

SEC. 3. The Governor of the State shall appoint a Collector, who shall, before entering upon the discharge of the duties of his office, give bond in the sum of twenty thousand dollars, with sureties to be approved by the Governor and Attorney-General, conditioned for the faithful performance of the duties of his office, which shall be filed in the office of the Secretary of State. To give bond

SEC. 4. The amount to be paid for each license, shall be at the rate of four dollars per month, and said license shall in no case be transferrable.

SEC. 5. Sixty per cent. of the proceeds of all moneys collected under the provisions of this act shall be paid into the State treasury and shall constitute a part of the School Fund; and it shall be the duty of the Collector to settle with the Controller of State and pay over all moneys due the State under the provisions of this act, quarterly, upon the first day of each fiscal quarter. Proceeds, how disposed of.

SEC. 6. The Collector may seize the property of any person liable to pay and refusing to pay such license; also, any boat or To enforce payment.

net he may be using, whether the same be his or belong to any other person, and may sell the same on one hour's notice, at auction, to the person paying the highest price, and after deducting the license tax, together with the necessary expenses incurred by such refusal and sale, shall return the surplus, if any, to the person whose property has been sold; and for the purpose of collecting and enforcing said tax, the Collector or his Deputy shall have the same power that the Sheriff has in collecting foreign miners' license tax.

Term of office.

SEC. 7. The Collector shall hold his office for the term of two years, and shall have the power to appoint a sufficient number of Deputies to enforce the provisions of this act.

Compensation.

SEC. 8. The Collector shall receive as compensation for all services under this act forty per cent. of all moneys collected by him or his Deputies.

SEC. 9. The Collector shall be liable on his bond for his own acts and those of his Deputies.

SEC. 10. This act shall not apply to angling.

CHAP. CCCXVII.—*An Act to provide for the Conveyance of the Interest of the Minor Heirs of W. E. P. Hartnell, deceased, in and to certain Real Estate in the County of Sacramento.*

[Approved April 28, 1860.]

Preamble.

WHEREAS, On the thirtieth day of March, one thousand eight hundred and fifty-nine, Maria Teresa de la Guerra de Hartnell, the widow of W. E. P. Hartnell, deceased, and Guillermo A. Hartnell, Adelberto P. Hartnell, Juan E. Hartnell, José Hartnell, Matilda Hartnell, Anna Hartnell, Magdalena Hartnell, and Teresa de Hartnell de Smith—children and heirs of W. E. P. Hartnell, deceased—and Miguel Smith, husband of the said Teresa de Hartnell de Smith, made, executed, and delivered, to H. O. Beatty, a deed for their respective interests in the Rancho de los Cossumnes, a tract of land situated in the county of Sacramento, and contracted with the said Beatty that they would cause a conveyance to be made of the interests of the remaining heirs of W. E. P. Hartnell, deceased; and, *whereas*, said remaining heirs and minors—now, therefore, for the purpose of enabling said parties to carry out their said contract—

The People of the State of California, represented in Senate and Assembly, do enact as follows:

May file complaint.

SECTION 1. That the said H. O. Beatty or the said venders in the said deed to H. O. Beatty, may file a complaint in the nature of a bill in equity in the District Court of the Third Judicial District in the State of California, making the said minor heirs, and all other persons who may be necessary parties, defendants therein, and he or they may pray the said court to cause a conveyance of the interest of said minors in a certain tract of

land lying and being in the county of Sacramento, and known as the Rancho de los Cossumnes, to be made to the said Beatty; and, if it shall appear to the satisfaction of the court that said sale, made on the thirtieth day of March, one thousand eight hundred and fifty-nine, was a fair sale and for a full price, the said court may appoint a Commissioner to make conveyance of the interest of said minor heirs, upon the payment into court of the balance of the purchase money due from the said H. O. Beatty.

Distribution of proceeds.

SEC. 2. On the payment of the money the court shall ascertain what would be the just proportion of each of the minor heirs in the money arising from said sale, and cause the same to be invested for the benefit of such minor heirs, in such manner as the court shall seem best, and to direct the balance to be distributed among Mrs. Hartnell and the other heirs, in proportion to their respective interests.

May sell at public sale.

SEC. 3. If the court shall be of the opinion that the price for which the land was sold to H. O. Beatty, was unfair or insufficient, it may order the interests of the minor heirs to be sold at public sale, on such terms as the court may think best. And the fact that said Beatty and said heirs are not in the possession of said property, shall not operate to prevent such a decree.

Passing the title.

SEC. 4. Any deed made by any Commissioner appointed by order of court, acting under the provisions of this act, shall have the same effect in passing the title of the minor heirs, as if they were of age and executed the deed themselves.

CHAP. CCCXVIII.—*An Act amendatory of "An Act concerning the Offices of County Clerk, Sheriff, and County Recorder, of the City and County of San Francisco," approved March seventh, one thousand eight hundred and fifty-nine.*

[Approved April 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of said act is hereby amended so as to read as follows:

Recorder allowed Clerks, etc.

Sec. 6. The Recorder of said city and county of San Francisco shall, from and after the passage of this act, be allowed one Chief Clerk, to be paid at the rate of two hundred dollars per month; also, as many Deputy Clerks as he, the said Recorder, may deem necessary to duly perform the duties of his said office, who shall be paid at the rate of fifteen cents per folio of one hundred words, for each and every folio of all matter, either registered or copied by them, or either of them. The Recorder or Chief Clérk, shall, when any papers are presented for registration or to be copied, note on the margin of each and every paper so presented, the number of folios paid for by the party for whom it is registered or copied, and shall certify, monthly, nder oath, to the number of folios copied or registered by each

one of said Deputy Clerks, and such certificate of the Recorder or Chief Clerk, shall be conclusive and sufficient evidence to authorize and require the Auditor of said city and county to audit, severally, the accounts of said Deputy Clerks, monthly. The said Recorder may be allowed one person to act in the capacity of porter or watchman, to be paid at the rate of one hundred dollars per month.

Repealing clause.

SEC. 2. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

CHAP. CCCXIX.—*An Act appropriating Money to complete certain Wells on the Colorado Desert.*

[Approved April 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

To complete wells.

SECTION 1. The Board of Supervisors of the county of San Bernardino are hereby authorized and required to cause to be completed certain wells on the immigrant road leading from the Colorado River to San Gorgonia Pass, in the county of San Bernardino.

Notice to bidders.

SEC. 2. The said Board of Supervisors shall cause the contract for completing said wells to be given to the lowest responsible bidder, after giving at least thirty days' notice by advertisements, to be posted up at the court-house door, and at four other of the most public places in said county, setting forth the nature of said work required to be done. They shall also require bonds from the Contractor or Contractors, in the sum of ten thousand dollars, for the faithful performance of the contract; and no portion of the moneys herein appropriated shall be paid to any Contractor for said work until the same shall be completed to the satisfaction of the Board of Supervisors, and by them received.

Free use of wells.

SEC. 3. The said wells, when so completed, to be and remain for the free use of immigrants, and all persons who travel said road with their teams, animals, and herds; and it shall not be lawful for any person to inclose or in any wise obstruct the free use of said wells to travelers on said road.

Amount appropriated

SEC. 4. For the purpose of completing said wells and carrying out the provisions of this act, the sum of five thousand dollars is hereby appropriated out of any money in the State treasury not otherwise appropriated; and the Controller of State is hereby authorized and directed to draw his warrant in favor of the Board of Supervisors of the county of San Bernardino, for the said sum of five thousand dollars on the Treasurer of State; and the said Treasurer of State is hereby required to pay the same out of any moneys in the treasury not otherwise appropriated.

To report to Governor.

SEC. 5. The said Board of Supervisors shall make out and transmit to the Governor a report of the proceedings under this

act, with a true statement of the amount expended and any surplus remaining of said appropriation; also, a detailed statement of the amount of labor performed on each well, together with the size and depth, manner of construction, quantity of water contained in each well when considered as a reservoir, and the quantity furnished per hour, when considered as a source of supply.

CHAP. CCCXX.—*An Act to amend "An Act to Exempt the Homestead and other Property from Forced Sale in certain cases," passed April twenty-first, one thousand eight hundred and fifty-one.*

[Approved April 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section first of said act is hereby amended so as to read as follows:

Sec. 1. The homestead, consisting of a quantity of land, together with the dwelling-house thereon and its appurtenances, not exceeding in value the sum of five thousand dollars, to be selected by the husband and wife, or either of them, or other head of a family, shall not be subject to forced sale in execution or any final process from any court, for any debt or liability contracted or incurred after the passage of the act to which this is amendatory. Said selection shall be made by either the husband or wife, or both of them, or other head of a family, declaring their intention, in writing, to claim the same as a homestead. Said declaration shall state that they or either of them, are married, or if not married, that he or she is the head of a family; that they or either of them, as the case may be, are, at the time of making such declaration, residing with their family or with the person under their care and maintenance on the premises, particularly describing said premises, and that it is their intention to use and claim the same as a homestead; which declaration shall be signed by the party making the same, and acknowledged and recorded as conveyances affecting real estate are required to be acknowledged and recorded, and from and after the filing for record of said declaration, the husband and wife shall be deemed to hold said homestead as joint tenants; and all homesteads heretofore appropriated and acquired by husband and wife under the act to which this act is amendatory, shall be deemed to be held by such husband and wife in joint tenancy.

What considered a homestead.

SEC. 2. Section two of this act is hereby amended so as to read as follows:

Sec. 2. Such exemption shall not extend to any mechanics', laborers', or venders' lien, lawfully obtained, but no mortgage or alienation of any kind, made for the purpose of securing a loan or indebtedness upon the homestead property, shall be valid for any purpose whatsoever; *provided*, that a mortgage or alienation to secure the purchase money or pay the purchase money, shall be valid, if the signature of the wife be obtained to the same,

Not exempt from certain liens.

and acknowledged by her separately and apart from her husband. Nor shall said homestead property be deemed to be abandoned without a declaration thereof, in writing, be signed and acknowledged by both the husband and wife or other head of a family, and recorded in the same office and in the same manner as the declaration of claim to the same is required to be recorded; and the acknowledgment of the wife to such declaration of abandonment shall be taken separately and apart from her husband; *provided*, that if the wife be not a resident of this State, her signature and the acknowledgment thereof shall not be necessary to the validity of any mortgage or alienation of said homestead before it becomes the homestead of the debtor.

SEC. 3. Section three of said act is hereby amended so as to read as follows:

Proceedings when execution has issued against party claiming property as homestead.

Sec. 3. Whenever execution has been issued against the property of a party claiming said property as a homestead, and the creditor in such judgment shall make oath before the County Judge of the county in which such premises are situated, or before the Judge of the District Court thereof, that the cash value of such premises exceed, to the best of the creditor's information and belief, the sum of five thousand dollars, it shall be the duty of such Judge, upon notice to the debtor, to appoint three disinterested and competent persons as Appraisers, to estimate and report as to the value of such premises; and if the same exceed said sum, whether they can be divided so as to leave the premises, amounting to the homestead exemption, without material injury. If it appear upon such report, to the satisfaction of the Judge, that the premises can be thus divided, he shall order the excess to be sold under the execution. If it appear that the premises cannot be thus divided, and the value thereof exceeds the exemption allowed by this act, he shall order the entire premises to be sold, and out of the proceeds the sum of five thousand dollars to be paid to the defendant in execution, and the excess to be applied to the satisfaction on the execution; *provided*, that no bid shall be received by the officer making the sale under five thousand dollars; and, *provided* further, that when the execution is against the husband whose wife is living, the Judge may, in his discretion, direct the five thousand dollars to be deposited in court, to be paid out only upon the joint receipt of the husband and wife; while the said sum is thus deposited, it shall possess all the protection against legal process and the voluntary disposition of the husband as were the original homestead premises.

SEC. 4. Sections four, five, six, seven, eight, and nine, of said act are hereby repealed, and section ten is hereby amended so as to read as follows:

Disposal of homestead upon death of husband or wife.

Sec. 4. The homestead and other property exempt from forced sale shall, upon the death of either husband or wife, be set apart by the Probate Court for the benefit of the surviving husband or wife and his or her legitimate children; and in the event of their being no survivor or legitimate children of either husband or wife, then the property shall be subjected to the payment of their debts; *provided*, that the exemption provided for in this act shall not extend to unmarried persons, except when they have the care and maintenance of minor brothers or sisters, or both, or brother's, or sister's, minor children, or a father, or mother, or

both, or grand-parents, or unmarried sisters, living in the house with them.

SEC. 5. All parties entitled to homesteads under the act to which this act is amendatory shall be entitled to the benefits of the provisions of this act; and such homesteads shall be protected to the same extent and in the same manner as if acquired under the provisions of this act. And no rights acquired under said act shall be lost or in any manner impaired, by reason of any provisions contained in this act; *provided*, that all parties holding and claiming homesteads under the provisions of said act shall have one year from and after the passage of this act, in which to prepare and file for record the declaration required by section first of this act; and in making such declaration it shall not be necessary, in cases where there has been a prior actual occupancy by the family of the homestead, and a subsequent temporary abandonment, to allege the actual residence, at the time of such declaration, on the premises. In case there be no such declaration filed within said period of one year, the homestead shall be deemed to have been abandoned.

Persons holding under former acts allowed one year to file declaration.

SEC. 6. All notices and declarations required to be recorded by this act shall be recorded in a separate book kept for that purpose.

Notices, etc. to be kept in separate book.

SEC. 7. All acts and parts of acts in conflict with the provisions of this act are hereby repealed, so far as they conflict with this act.

SEC. 8. This act shall take effect from and after its passage.

To take effect.

CHAP. CCCXXI.—*An Act amendatory of, and supplemental to, an Act entitled "An Act to provide for the Incorporation of the City of Yreka," approved April twenty-first, one thousand eight hundred and fifty-seven.*

[Approved April 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said act is hereby amended so as to read as follows:

Sec. 2. The limits and boundaries of said city shall be the same as those set forth and described in the survey and plat of said city, as made by the County Surveyor, and now on file and of record in the office of the County Clerk, with the addition thereto of a parcel of land lying immediately on, and adjoining the, westerly line of said survey, one-fourth of a mile in width and one mile in length, thus making the area of said city one mile in length, from north to south, and three-fourths of a mile in width, from east to west.

Boundaries.

SEC. 2. The Board of Trustees of said city, in addition to the rights, privileges, and powers, heretofore conferred upon them, shall have power, when it becomes necessary for the public convenience, to take and use private property for the purposes of laying out, altering, or repairing, streets or alleys—first paying

May take and use private property.

a fair valuation for the same—and if they cannot agree with the owners thereof as to the price to be paid, then the same proceeding shall be had and with like effect, as prescribed in sections fifteen, sixteen, seventeen, and eighteen, of an act of the Legislature of this State, entitled "An Act for the Incorporation of Cities," approved March the eleventh, one thousand eight hundred and fifty.

Power to levy additional taxes.

SEC. 3. The Board of Trustees shall have power, further, to levy and collect, in addition to the taxes now authorized to be collected in said city, a road or street tax, not to exceed two dollars per annum, from each male inhabitant thereof over twenty-one years of age, and the fund arising from said tax shall be appropriated exclusively, under the orders of said Board, to laying out, improving, and repairing, the streets and alleys, in the said city.

Former act inapplicable.

SEC. 4. Section nineteen of an act entitled "An Act concerning Roads and Highways in the County of Siskiyou," approved March fifteenth, one thousand eight hundred and sixty, is hereby rendered inapplicable to the said city of Yreka, and the inhabitants thereof are hereby exempted from the payment of the tax specified in said section.

Repealing clause.

SEC. 5. All acts and parts of acts in conflict with or inconsistent with the provisions of this act, so far as applicable to the city of Yreka, are hereby repealed.

To take effect.

SEC. 6. This act shall take effect from and after its passage.

CHAP. CCCXXII.—*An Act to Audit and Allow a Claim of B. F. Hastings.*

[Approved April 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Claim allowed.

SECTION 1. The claim of B. F. Hastings, of two thousand dollars, for arms and transportation furnished the State in one thousand eight hundred and fifty-six, is hereby audited and allowed.

CHAP. CCCXXIII.—*An Act to Appropriate Money for the Payment of D. H. Whipley.*

[Approved April 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Claim allowed.

SECTION 1. The sum of six hundred and thirty dollars is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, to pay the claim of D. H. Whipley, and

the Controller of State is hereby authorized and directed to draw his warrant on the Treasurer for the said sum of six hundred and thirty dollars, and the Treasurer of State is authorized to pay the same.

CHAP. CCCXXIV.—*An Act to amend an Act entitled "An Act to Regulate Proceedings in Civil Cases in the Courts of Justice in this State," passed April twenty-ninth, one thousand eight hundred and fifty-one, and other Acts amendatory thereto.*

[Approved April 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one hundred and twenty-three of said act is amended so as to read as follows:

Sec. 123. The writ shall be directed to the Sheriff of any county in which property of such defendant may be, and require him to attach and safely keep all the property of such defendant within his county, not exempt from execution, or so much thereof as may be sufficient to satisfy the plaintiff's demand, the amount of which shall be stated in conformity with the complaint, unless the defendant give him security by the undertaking of at least two sufficient sureties in an amount sufficient to satisfy such demand, besides costs, or in an amount equal to the value of the property which has been, or is about to be, attached; in which case to take such undertaking. Several writs may be issued at the same time to the Sheriffs of different counties. How and by whom writ may be enforced.

SEC. 2. This act shall take effect and be in force from and after its passage. To take effect.

CHAP. CCCXXV.—*An Act to fix the Compensation of the County Judge of Contra Costa County.*

[Approved April 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The County Judge of the county of Contra Costa shall receive for his compensation the sum of fifteen hundred dollars per annum, payable one-fourth thereof every three months. Compensation.

SEC. 2. It shall be the duty of the County Judge to have and keep his office at the court-house, or in its immediate vicinity. Location of office.

SEC. 3. This act shall take effect and be in force from and after the legal term of the present incumbent. To take effect.

CHAP. CCCXXVI.—*An Act to authorize William Norris, Administrator of the Estate left Unadministered of the Estate of James Blair, deceased, to Sell Real Estate of said deceased at Private Sale.*

[Approved April 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

To sell certain real estate.

SECTION 1. William Norris, Administrator of the estate left unadministered of the estate of James Blair, deceased, is hereby authorized to sell such portion of the real estate of which the said Blair died, seized and possessed, either in severalty, or in common, or jointly, with others, and any right, title, or interest, in any real estate owned or claimed by the said Blair, however held by him, and wherever situated in the State of California, as may be sufficient to pay any allowance made or that may be hereafter made, for the family of the deceased. the debts due by the deceased, the charges and expenses of administration that have accrued or may accrue, and the debts due from the estate to former Administrators, or other person or persons, for advances made to, or on account of, the estate or otherwise, on such terms and in such manner, and at such time or times, whether at private or public sale, as may in his opinion be most advantageous to said estate.

Administrator to make full report.

SEC. 2. That the said Administrator shall make a full report of the sale or sales of the said real estate to the Probate Court of the city and county of San Francisco, within a reasonable time thereafter, who shall confirm or reject said sale or sales, as in other cases of sales of real estate by Executors and Administrators; and the Administrator aforesaid shall make no conveyance of real estate under this act, nor shall such sale become definitively valid unless the sale be first confirmed and approved by the said Probate Court.

To make legal conveyance.

SEC. 3. The said Administrator is hereby authorized and empowered, upon the confirmation of any such sale or sales as hereinbefore provided, and the compliance on the part of the purchaser or purchasers, with the terms of such sale or sales, to execute, acknowledge, and deliver, to said purchaser or purchasers, a legal conveyance or conveyances of the property sold, which shall be as valid and binding as if the same had been made by the said James Blair in his lifetime.

In case of death, successor to have like powers.

SEC. 4. In case of the death, resignation, or removal, by the Probate Court of the said Administrator, his successor, duly appointed and qualified, may proceed to sell in like manner and to the like extent, as the said William Norris is authorized herein to proceed, and shall have the same authority as is conferred upon the present Administrator by this act.

CHAP. CCCXXVII.—*An Act to appropriate Money for the Payment of certain Claims.*

[Approved April 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following sums of money are hereby appropriated out of any moneys in the General Fund not otherwise appropriated, for the following objects, to-wit: Amounts appropriated.

The sum of seventy-one dollars and ten cents, for the purpose of paying James L. Hardenbergh, Postmaster, for postage and stamps furnished the Assembly, tenth session.

And the sum of fifty dollars, for the purpose of paying John F. McCauley for conveying an insane convict from the State prison to the insane asylum in one thousand eight hundred and fifty-nine.

And the sum of forty dollars, for the purpose of paying I. & S. Wormser, Assignees of William G. Wood, for services as Minute Clerk of the Assembly, tenth session.

CHAP. CCCXXVIII.—*An Act to provide for the Laying out and Construction of certain Public Roads in the County of San Joaquin, and to Compensate the Owners of Land taken for that Purpose.*

[Approved April 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the county of San Joaquin are authorized, if in their discretion they may deem it necessary, to levy a special tax of one-half of one per cent. on each one hundred dollars of value of all assessed property subject to taxation, for the year one thousand eight hundred and sixty, to be collected at the same time and in the same manner as other taxes upon property in said county are collected. May levy special tax.

SEC. 2. The fund derived from said special tax shall be set apart as a special fund, to be known as the "Public Road Fund" of said county, and said fund shall not be used for any other purpose whatsoever, except as provided for in this act. Disposition of.

SEC. 3. The said fund shall be appropriated exclusively to the construction and repairing of seven public highways leading from the corporate limits of the city of Stockton, as follows, viz: For what purpose.

First—A road running from the limits of Stockton to Woodbridge, on the Mokelumno River, and thence to Fuget's, on Dry Creek, known as the Lower Sacramento Road.

Second—A road running from the limits of Stockton, *via* Frost's Bridge to Staples' Ranch, known as the Upper Sacramento Road.

Third—A road running *via* the Fifteen-Mile House to the county line of Stanislaus County, known as the Mokelumne Hill Road.

Fourth—A road running from the limits of Stockton, *via* Hamilton's Ranch, known as the Sonora Road.

Fifth—A road running from the limits of Stockton to Hutton's Ranch, known as the Mariposa Road.

Sixth—A road running from the limits of Stockton to Wolf's Ranch, known as the Hogan Road.

Seventh—A road running from the limits of Stockton to French Camp.

Commissioners to be appointed.

SEC. 4. A Board of three Commissioners shall be appointed, to be called the San Joaquin County Road Commissioners, whose duty it shall be to cause to be constructed the seven roads mentioned in the preceding section of this act, after the same shall have been legally laid out and located by the Board of Supervisors, as provided for by law; *provided*, no portion of the said fund shall be expended upon any part of the aforesaid roads, unless the said part shall be, in the opinion of the Commissioners, a legal public road, dedicated to the public use in perpetuity.

In what manner.

SEC. 5. The said Commissioners shall be appointed and elected as follows, viz: One by the Mayor and Common Council of the city of Stockton; one by the Board of Supervisors of San Joaquin County, and the third shall be the County Surveyor of said county, and the two former shall be appointed and elected within thirty days after the passage of this act.

To give bond.

SEC. 6. Said Commissioners shall, before entering upon the discharge of their duties, each enter into a written undertaking, with at least two good and sufficient sureties, in the penal sum of five thousand dollars, conditioned for the faithful performance of the duties prescribed in this act, which undertaking shall be first approved by the Board of Supervisors and filed with the County Clerk.

After location of road, map required to be prepared, etc.

SEC. 7. Whenever any road or highway shall have been located by said Board of Supervisors, pursuant to this act, they shall cause a map thereof to be prepared under the direction of the County Surveyor, designating the courses, and distances, and width, of said road, and also showing, as far as practicable, the names of the owners of the land over which the same is to pass, and shall cause the said map to be filed in the office of the Clerk of said county.

Board to estimate damages.

SEC. 8. After any road shall have been located and laid out, and a map thereof filed as aforesaid, the said Board of Supervisors shall estimate the damages which, in their judgment, should be allowed to the several owners of land over which the proposed road is to pass, and shall file a list or statement of such estimated damages with the County Clerk, whose duty it shall be, immediately upon filing of said list or statement, to cause notice to be given to each owner of land over which the road is to pass, that each road is to be so located, and of the amount of compensation which the Board of Supervisors have estimated for the county to pay for the damages occasioned thereby; *provided*, however, that such notice shall be given when the party is not a resident of said county, by publishing the same not less than ten days, successively, in some newspaper in San Joaquin County.

Notice to be given.

SEC. 9. If the owner of any land, thus notified, shall not, within ten days after personal service upon him, or, in case of

publication, within ten days after the time of publication has expired, give notice in writing, signed by him or his authorized Attorney, assenting to the construction of said road and agreeing to receive the amount estimated by the Board of Supervisors as a compensation for the entire damages done him thereby, the said owner for himself or the Board of Supervisors, in the name and on behalf of the county, may bring an action in the District Court, in said county, to have the damages assessed and adjudicated upon by filing a complaint, setting forth the facts of the case, in which action the same service shall be made and the same proceeding had as in other actions at law before said court.

Owner not consenting, may bring action for damages.

SEC. 10. The said court shall hear and determine the question of the amount of damages thus submitted, and render judgment thereon; *provided*, that in all actions under this act, any question of fact shall be heard and determined by a jury, unless the parties, by stipulation filed, or by their Attorneys, in open court, entered upon the minutes, waive a jury and submit the matter to the court; and, *provided* further, that in all cases under this act the court or jury shall take into consideration, in making up their estimate of damages, any actual benefit that shall appear rom the evidence that the owner of the land is to derive from the said road, and the verdict and judgment in his favor shall be rendered for the difference, if any; and, *provided* also, that if the amount of damages thus found shall exceed the amount estimated by the Board of Supervisors, as hereinbefore provided for, the judgment shall be entered against the county for costs, but in all other cases against the party claiming damages.

Duty of court, etc.

SEC. 11. Either party shall have the right of appeal from any judgment rendered by the court, in the same manner and with like effect as now provided by law, but the final decision as to the amount of damages, shall be conclusive.

Either party may appeal.

SEC. 12. No road shall be established and opened as a public highway, under the provisions of this act, until the owner or owners of any land over which the same is to pass, or his or their legal representatives, shall have been satisfied in full for the amount of damages agreed upon or adjudged by the court, as herein provided, or shall have given his or their assent in writing to the location of the said road across the land owned by him or them.

Road not to be opened to public, until owner is satisfied.

SEC. 13. The County Court of said county shall have jurisdiction, and have and determine all questions as to damages arising under this act wherein the damages are less than two hundred dollars, in like manner with the District Court.

Court to have jurisdiction.

SEC. 14. Said Board of Commissioners shall, as soon as practicable, after plans and specifications have been agreed upon, advertise for at least ten days in the Stockton newspapers, for sealed proposals to construct said roads, stating whether by sections or otherwise, the time within which each contract shall be fulfilled, and the mode and manner of payments upon said contracts.

To advertise for proposals

SEC. 15. On the day appointed by said advertisement, the Commissioners shall meet at their accustomed place of meeting, and publicly open and compare all proposals, and shall award each contract to the lowest responsible bidder or bidders; *pro-*

Meeting of Commissioners.

vided, no proposal shall be received or considered, as the basis of any contract, unless accompanied by a written undertaking in double the amount of the contract, guaranteed by two or more responsible sureties, conditioned for the faithful performance of the work, the sufficiency of which undertaking shall be determined by the said Board of Commissioners.

Commissioners interested in contracts, deemed a misdemeanor.

SEC. 16. The said Commissioners, nor either of them, shall not in any manner be interested in any contracts which may be awarded by this Board under this act; and any violation of this section shall be deemed a misdemeanor, and shall be punished upon conviction before any competent tribunal, by a fine of one thousand dollars, which said fine shall be paid into, and form a part of, the Public Road Fund of said county.

Obstructing roads, etc.

SEC. 17. Whenever any road or highway shall have been laid out, located, and established, under the provisions of this act, any person who shall thereafter in any manner willfully obstruct the same, so as to hinder or impede travel along or upon said road, shall, upon conviction thereof before any court of competent jurisdiction, pay a fine of not less than fifty dollars nor more than five hundred dollars, for the use and benefit of said county, or suffer imprisonment in the county jail of said county for a term not exceeding six months, in the discretion of the court before whom conviction is had.

District Attorney to prosecute.

SEC. 18. It shall be the duty of the District Attorney of said county to cause to be prosecuted any violation of the foregoing section that may come to his knowledge, and he shall receive for his services in each case one-half of the amount of the fine that may be collected under such prosecution, and the grand jury of said county shall make presentment for any violation of the preceding section, in the same manner as for any other public offense.

Upon final decision, Board to pay damages

SEC. 19. Upon the final decision as to the amount of damages, it shall be the duty of the Board of Supervisors to pay to the owner of the land, out of any funds in the county treasury not otherwise appropriated by law, the amount of said damages; and if there be no moneys which can be used for such purpose, then they are authorized and required to issue the scrip of the county for such payment, payable in cash out of the next annual assessment; the said amount to draw interest at the rate of ten per cent. per annum.

Moneys to be deposited with Treasurer.

SEC. 20. All moneys collected under the provisions of this act shall be deposited with the County Treasurer, who shall pay out the same upon special warrants signed by the Board of Commissioners. Each warrant shall fully and distinctly state for what work or for what service the amount drawn is intended to pay.

Duty of Treasurer.

SEC. 21. It shall be the duty of the County Treasurer to keep, subject to inspection at all convenient times, a minute and correct account of all expenses incurred and disbursements made under the provisions of the foregoing section; and he shall also file and preserve all contracts and undertakings which shall have been made or approved by said Commissioners, under the provisions of this act.

Commissioners may fill vacancies, etc.

SEC. 22. The Commissioners shall have the power to fill all vacancies in the Board, and may elect from their number a President. They shall meet in the city of Stockton, and may adjourn

from time to time, and transact the business of the Board under such rules as they may prescribe. A majority of said Board shall constitute a quorum. Said Commisioners shall each receive four dollars per day for every day's service actually rendered; *provided*, no Commissioner shall receive in the aggregate a sum greater than two hundred dollars.

SEC. 23. For the purpose of the proper distribution of the fund provided to be raised by section one of this act, the Board of Supervisors shall divide the county into seven road districts, each district containing one of the roads mentioned in section three of this act; and, as far as practicable, these districts shall be arranged so that the tax payers of each district will be interested in the improvement of the road within his district; and the moneys collected under the provisions of this act shall be disbursed by the Board of Commissioners so that the whole sum raised in each district shall be expended upon the particular one of the above named roads lying within that district. Board to divide county into road districts.

SEC. 24. The Sheriff, Surveyor, and Clerk, of said county shall receive for any services rendered by them in pursuance of the provisions of this act, the same fees as are now provided by law for services rendered in similar cases, and the Supervisors shall each be allowed the sum of six dollars per day for each day's actual service rendered under the provisions of this act. Compensation.

SEC. 25. The operation of all acts and parts of acts inconsistent with the provisions of this act, so far as the same relate to the county of San Joaquin, are hereby suspended. Acts suspended.

SEC. 26. This act shall take effect from and after its passage. To take effect.

CHAP. CCCXXIX.—*An Act amendatory of, and supplementary to, "An Act to Establish, Support, and Regulate, Common Schools, and to Repeal former Acts concerning the same," approved May third, one thousand eight hundred and fifty-five.*

[Approved April 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section ten of said act, passed March twenty-eight, one thousand eight hundred and fifty-five, is hereby amended so as to read as follows:

Sec. 10. Unless otherwise provided by special law, a Superintendent of Common Schools shall be elected in each county at the general elections, before the term of office of the present incumbents shall expire, and shall enter on the duties of his office on the first Monday of the month subsequent to his election; he shall hold office for two years or until his successor is elected and qualified, and shall take the oath of office and give official bond, in a sum to be fixed by the Board of Supervisors, which bond shall be in a sum not less than double the estimated amount of school moneys to come into the county treasury each year; and, *provided*, that in the counties of Tuolumne, Stanislaus, Superintendent of Schools to be elected.

Los Angeles, Monterey, and Santa Cruz, the County Clerk of each of said counties, shall be *ex officio* Superintendent of Common Schools for the county; *provided*, that the Board of Supervisors of Sonoma County, at their next general meeting after the passage of this act, shall appoint a Superintendent of Common Schools for said county, who shall hold his office until the next general election, at which time his successor shall be elected, and such successor shall hold his office for one year, or until a Superintendent of Common Schools is elected at the general election in the year A. D. one thousand eight hundred and sixty-one, and who shall be elected [and] qualify, as hereinbefore provided in this section; said Superintendent of Sonoma County shall receive such compensation, at a rate not exceeding one thousand dollars per annum, as the Board of Supervisors of said county may allow. The Superintendent of Common Schools in each county, upon receiving notice from the County Treasurer, as provided by this act, shall apportion the common school moneys in the county treasury, among the several school districts in proportion to the number of children, as now provided for by law, and shall forthwith, in writing, notify the County Treasurer and School Trustees of each district, of such apportionment, and it shall be the duty of the County Treasurers of said counties, on receiving any common school moneys subject to distribution, to notify the County Clerk of the amount thereof, and to pay over on the warrants of the Trustees of the school districts, duly indorsed by the person entitled to receive the same, the several amounts of school moneys to which each school district shall be entitled.

Duties of.

Duty of School Trustees.

SEC. 2. Section sixteenth of said act is hereby amended so as to read as follows:

Sec. 16. The School Trustees of the several school districts shall have power, and it shall be their duty, within their respective jurisdiction—

First—To select and designate a Common School Marshal, and file a certificate of his appointment in the office of the County Superintendent.

Second—To fix the location of school-houses, in accordance with the expressed wishes of a majority of the qualified electors within their districts, expressed at a district meeting, to be called on at least five days' notice by the Trustees; but in case a majority of such voters shall not agree thereon, then the said Trustees may fix the location of school-houses according to their own best judgment.

Third—To superintend the erection and repairs of all school-houses; to distribute the blank forms, laws, and instructions, received by them, to the persons by law entitled to receive the same.

Fourth—To employ and fix the salaries and time of service of Common School Teachers.

Fifth—To suspend or expel from any such common schools, with the advice of the Teacher, any pupil who will not submit to the reasonable and ordinary rules of order and discipline therein.

Sixth—To arrange among themselves in such a manner that at least one of the Trustees shall visit and ascertain the character, progress, and prospects, of each school, at least once a month.

Seventh—To carry out and execute their powers and duties as conferred and imposed by this act, in accordance with the instructions of the State Board of Education, and in form, as shall be prescribed by the Superintendent of Public Instruction.

Eighth—To make and keep a record of all their official acts and decisions, and a strict and particular account of all moneys received and disbursed, and all bills audited and paid; said record and account, together with the vouchers relating thereto, shall be subject, at all times, to the inspection and examination of the Superintendent of Public Instruction, or the County Superintendent, or any elector of the school district.

Ninth—To report to the County Superintendent of their respective counties, on or before the tenth day of November, annually, the amount of all expenditures on account of schools in their respective precincts, during the previous school year ending on the last day of October; and the manner in which the same shall have been expended; specifying what portion and amount thereof has been expended for the services of legally qualified Teachers; the amount which during that time, shall have been raised in the several common school districts by subscription or otherwise, and allowed to such qualified Teachers as salary or compensation; the names of the Teachers employed, and the time of service, and the salaries paid to each; the number of pupils taught, and the average attendance and progress of the pupils in each school organized and taught under the provisions of this act; and such other statistics as shall be directed by the Superintendent of Public Instruction. Same.

Tenth—And at the close of their official term, to deliver over their books of records, and all papers, books, blanks, documents, moneys, and all other property in their hands, as such Trustees, to their successors in office, and take their receipt for the same, which receipt shall be filed with the County Superintendent; *provided*, that if the Trustees neglect to make returns as herein required, the district shall still be entitled to its portion of school money, if proof, satisfactory to the Superintendent of Public Instruction, be made in writing, and filed with the State and County Superintendent, showing the facts required to be reported by the Trustees.

Eleventh—To apportion the School Fund among the several schools within the district for which they may have been selected, in proportion to the average number of pupils daily attending such schools; but allowance shall be made in case one or more of the schools may have incurred any debt or debts, for the different periods of time they may have been kept open.

SEC. 3. Section eighteen of said act is hereby amended so as to read as follows:

Sec. 18. The Marshals selected and designated by the Trustees, under the provisions of this act, shall, in the month of October, annually, take a specific census of all the white children within their respective precincts, between the ages of four and eighteen years, specifying the names of the children, of the parents or guardians of such children, and the town, city, and school district, within which they reside, and make full report thereof in writing, under oath, to the County Superintendent of Common Schools, and deliver a true copy thereof to the Trustees, in their Marshals to make annually, a specific census.

respective school districts, by the first day of November next thereafter.

SEC. 4. Section nineteen of said act is hereby amended so as to read as follows:

Sec. 19. The County Treasurer, Superintendent, Trustees, and Marshals, of common schools, within their several counties, shall respectively receive for their official services, under this act such compensation as shall be allowed by the Board of Supervisors, which shall be audited and paid in the same manner as other county salaries and expenses are audited and paid; *provided*, that the compensation of said officers, whether in the shape of a salary, a per diem, or a per centage, shall in no case be paid out of the State or County School Funds.

Compensation of.

SEC. 5. Section twenty-eighth of said act is hereby amended so as to read as follows:

Sec. 28. Each and every county in this State is hereby empowered and authorized to raise, annually, by special tax (in the same manner that other county taxes shall be levied), upon the real estate and personal property within the county, an amount of money not exceeding twenty-five cents on each one hundred dollars of valuation, for the support of common schools therein, and providing suitable houses and purchasing libraries and apparatus for such common schools.

Counties authorized to levy taxes, for support of schools.

SEC. 6. Section eleventh of said act is hereby amended so as to read as follows:

Sec. 11. The County Superintendent shall have power, and it shall be his duty, in accordance with the principles and provisions of this act, and the instructions of the State Board of Education, and the Superintendent of Public Instruction:

Duty of Superintendent.

First—To visit each school in the county under his control, personally, at least once a year, and to exercise a general supervision over the interests of common schools in his county, and give to the School Trustees, Marshals, and Teachers, such aid and counsel as may be important to the prosperity of the schools.

Second—To distribute promptly such blank reports, forms, laws, and instructions, as shall be deposited in his office for the use of the School Trustees, Teachers, and Marshals, and any other officers entitled to receive the same.

Third—To draw his warrants on the County Treasurer in favor of, and deliver the same to, the persons entitled to receive the same; *provided*, that no such warrant shall be drawn in favor of any city, town, or school district, until full and correct returns shall have been made to him by the same, as required by law, and a certificate of the Trustees or Board of Education given, showing for what purpose in accordance with this act, the money is required; and, *provided* further, that no such warrant shall be drawn in favor of any city, town, or school district, unless there is cash in the treasury at the time, to the credit of said city, town, or district.

Fourth—To keep on file in his office the report of the School Trustees, Marshals, and Teachers, received by him, and to record all his official acts as such County Superintendent, in a book to be provided for that purpose; and, at the close of his official term, to deliver to his successors such records and all documents, books, and papers, belonging to his office, and to take his receipts

for the same, which shall be filed in the office of the County Treasurer.

Fifth—To make full report, in writing, annually, on or before the twentieth day of November, for the school year ending on the last day of October next previous thereto, to the Superintendent of Public Instruction; such report to include an abstract of all the various annual reports of the City Boards of Education, School Trustees, Marshals, and Teachers, by law required to be made to the County Superintendent for the preceding school year.

School funds devoted exclusively to support of schools.

SEC. 7. The school funds paid into the treasury during the school year ending October thirty-first, shall be devoted to the support of schools during that year, exclusively; *provided*, that if, after payment of all charges and expenses incurred by the schools, there be a surplus in the School Fund at the end of the school year, the same may be applied to the payment of claims against the schools, arising during the preceding school year, but not otherwise.

Certain persons not admitted to schools.

SEC. 8. Negroes, Mongolians, and Indians, shall not be admitted into the public schools; and, whenever satisfactory evidence is furnished to the Superintendent of Public Instruction to show that said prohibited parties are attending such schools, he may withhold from the district in which such schools are situated all share of the State School Fund; and the Superintendent of Common Schools for the county in which such district is situated shall not draw his warrant in favor of such district, for any expenses incurred, while the prohibited parties aforesaid were attending the public schools therein; *provided*, that the Trustees of any district may establish a separate school for the education of Negroes, Mongolians, and Indians, and use the public school funds for the support of the same.

Power to convene Teachers' Institutes.

SEC. 9. The Superintendent of Public Instruction shall have power to convene one or more Teachers' Institutes, not to exceed four in any one year, at such time or times, and in such place or places, as he may think proper, for the instruction and improvement of the Teachers of the State; he shall preside over and regulate the exercises of said institutes; said institutes shall not be continued for a longer period, at any one time, than two weeks; the sum of three thousand dollars is hereby appropriated for the support of said institutes, and the Controller of State shall only draw his warrants in payment of the expenses of the same, when the accounts therefor are certified by the Superintendent of Public Instruction.

Teacher to produce certificate of qualification.

SEC. 10. No person shall be employed by any Board of Trustees as Teacher of a public school, unless he has received and shall produce a certificate of qualification, as hereinafter provided for.

Who to compose County Board.

SEC. 11. The County superintendent of Public Schools of each county, and such of the qualified Teachers therein, as he shall select for the occasion, provided the number be not less than three, shall compose a County Board for the examination of those proposing to become Teachers. Said Board shall grant certificates of approbation and recommendation to such as they shall find, after a rigid and thorough examination, to be persons of good moral character, of sufficient learning and ability for teach-

ing, having a special regard to their ability to impart knowledge, and to no others; and the County Superintendent shall have power to revoke any such certificate, at pleasure, for reasons which shall appear good and sufficient to him, first giving reasonable notice and a hearing, to the person holding the same; all such certificates shall remain in force during one year from and after their respective dates, unless sooner revoked, and no longer. No certificate, granted by the Board of Examination, of one county, shall be of any force or effect in any other county; if a majority of the Board shall agree, the applicant shall receive a certificate, but if the Board be evenly divided upon the proposition, the certificate shall be refused. The Superintendent of Public Instruction shall be, *ex officio*, a member of each and every County Board of Examination.

State Board of Examination.

SEC. 12. The Superintendent of Public Instruction and such of the County Superintendents of Public Schools, as he shall select for the occasion, provided the number be not less than three, shall constitute a State Board of Examination. Said Board shall have all the powers hereinbefore conferred on County Boards of Examination, and a certificate granted by said Board shall be of full force and effect, without further examination, in each and every county of the State, for the period of two years, from and after its date, but no longer. Any applicant to whom a certificate has been refused by a County Board of Examination, shall have the right to appeal to the State Board of Examination, and the decision of the latter shall be final.

Power of.

SEC. 13. The State Board of Education shall have power to prescribe what text books shall be used in the public schools, and no school district shall be entitled to any portion of the public school moneys, in whose school or schools, the Trustees shall permit any other than the text books so prescribed to be used; *provided*, that the Superintendent of Public Instruction may, for good and sufficient cause shown, exempt any district from the penalty herein imposed; and *provided*, further, that this section shall not go into effect until the first day of November, A. D. one thousand eight hundred and sixty-one.

Trustees may establish public school.

SEC. 14. The Trustees of two contiguous districts in the same county or in adjoining counties, shall have the right to establish and support, out of the funds belonging to their respective districts, a public school, open to the children of both districts. A school thus established, shall be governed by a Joint Board, composed of the Trustees of the combining districts.

Returns to be made to County Superintendents.

SEC. 15. The returns of the election of Trustees in each school district shall be made to the County Superintendent of Public Schools in their respective counties, who shall issue certificates of election, and administer oaths of office to the persons having the highest number of votes; the said certificates and oath of office, to remain on file, in the office of the respective County Superintendents.

To take effect.

SEC. 16. This act shall go into effect from the date of its passage.

CHAP. CCCXXX.—*An Act for the Relief of Peter H. Burnett.*

[Approved April 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The claim of Peter H. Burnett, for the sum of one thousand eight hundred and sixty dollars and twenty-two cents, for a balance due him on his salary as one of the Justices of the Supreme Court, is hereby audited and allowed, and the Controller of State is hereby authorized and required to draw his warrant on the Treasurer of State for said amount. Claim allowed.

SEC. 2. The sum of one thousand eight hundred and sixty dollars and twenty-two cents is hereby set apart and appropriated out of any moneys in the State treasury, not otherwise appropriated, for the payment of the amount authorized to be drawn in the first section of this act. Amount appropriated.

SEC. 3. This act shall take effect from and after its passage.

CHAP. CCCXXXI.—*An Act to amend "An Act concerning Roads and Highways in certain Counties therein named," approved April twenty-second, one thousand eight hundred and fifty-eight.*

Approved April 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Contra Costa County shall, on the first Monday in May, one thousand eight hundred and sixty, and annually thereafter on or before the first Monday in March, levy and cause to be collected a tax of ten cents on each one hundred dollars' worth of property in said county, and the same to be paid into the county treasury and set apart as a County Road Fund for the construction and repair of bridges and roads in said county. To levy road tax.

SEC. 2. The Board of Supervisors shall, annually, on or before the first Monday in March, make a *pro rata* distribution of the Road Fund among the several road districts in said county, and issue warrants upon the County Treasurer of said county in favor of each Overseer for the amount allotted to each road district. Distribution of.

SEC. 3. The Overseers of the several road districts in said county shall spend the money allotted to their respective districts to the best advantage in constructing or repairing bridges or roads, and make their report under oath to the said Board on or before the first Monday in May, one thousand eight hundred and sixty-one, and annually thereafter. Duties of Overseers.

SEC. 4. The Board of Supervisors shall appoint Overseers of the roads in each district in said county, on or before the first Monday in March, to hold office for one year.

Acts repealed.

SEC. 5. Sections three and five of "An Act concerning Roads and Highways in certain Counties therein named," approved April twenty-second, one thousand eight hundred and fifty-eight, so far as they apply to the said county of Contra Costa, and all acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

SEC. 6. This act shall take effect from and after its passage.

CHAP. CCCXXXII.—*An Act to provide for the Purchase of a Burial Place for the use of this State, and for other purposes therein specified.*

[Approved April 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

To purchase burying ground.

SECTION 1. Messrs. Conness, Ellis, and McDonald, are hereby constituted and appointed a Board of Commissioners, with power and authority to purchase from the city and county of Sacramento or other proper authority, a lot or tract of ground inside of the City Cemetery of the city of Sacramento, of convenient size, which lot or tract of land, when purchased, shall be known as the "State Burying Grounds."

To remove bodies thereto.

SEC. 2. It shall be the duty of said Commissioners to cause a suitable inclosure to be placed around the State Burying Grounds, and otherwise suitably and appropriately lay out and ornament the same. Said Commissioners are empowered to cause to be removed to the State Burying Grounds, except objections be made by their friends, the remains of the Hon. John C. Bell, at the time of his decease a member of the Assembly; also, the remains of Hon. W. I. Ferguson, at the time of his decease a member of the Senate; and to contract for, and cause to be placed over, their last resting places, suitable monuments, having engraved thereon their names, ages, date and place of birth and death.

Amount appropriated.

SEC. 3. The sum of two thousand dollars is hereby appropriated out of any money now in the State treasury not otherwise appropriated, to carry this act into effect, and the State Controller is hereby directed to draw his warrant in favor of said Board of Commissioners for said sum of two thousand dollars, payable as aforesaid.

Title to vest in State.

SEC. 4. The fee to the said State Burying Grounds shall be conveyed to and vest in the people of the State of California, and the said ground shall be used as a burial place for the interment of all persons who, at the time of their decease, held office under the government of the State, or were engaged in the service of the State, and whose friends may so desire.

SEC. 5. This act shall take effect on and after its passage.

CHAP. CCCXXXIII.—*An Act for the Relief of the Heirs of P. Dillon.*

[Approved April 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

WHEREAS, Gustave Touchard has been appointed Guardian of Francois Guillaume Dillon, Guillaume Augustin Dillon, Amilie Pauline Dillon, Charles Dillon, Helie Eliza Marie Dillon, and Patrice Henry Dillon, minor children of Patrice Dillon, deceased, late Consul of France at the city of San Francisco, in the State of California, by the Probate Judge of the city and county of San Francisco, and has executed a good and sufficient bond to each of said minor children in the sum of five hundred dollars, with two sufficient sureties, approved by said Judge, conditioned as required by law—be it enacted: Preamble.

SECTION 1. That all, or any right, title, or interest, present or prospective, of the State of California of, in, or to, the real estate of Patrice Dillon, deceased, is hereby conveyed to, and vested in, the said Gustave Touchard, Guardian as aforesaid, in trust for the benefit and behoof of all the heirs of said deceased, in like proportion as they would have inherited the same had they been all residents of said State at the time of his decease. Title vested in Guardian.

SEC. 2. The said Gustave Touchard, as such Guardian, is hereby authorized to sell the interest of said minor heirs in the real estate of said deceased, now remaining unsold, and all the interest of the State of California therein, hereby conveyed, on such terms and in such manner, at public or private sale, as may be most advantageous to said estate. May sell real estate.

SEC. 3. That said Guardian, after such sale or sales, shall make a full report thereof to the Probate Court aforesaid, and the Judge of said court shall examine the same, and confirm or set aside the same, as in cases of sales by an Administrator; and in case such sale or any part thereof, be set aside, said Guardian is authorized again, and as often as may be required, to sell and report to said court, as in cases of sales by an Administrator and as authorized in the second section of this act. To report to Probate Judge.

SEC. 4. That after the approval of the sale or sales by said Judge, said Guardian shall make a conveyance or conveyances, of the lands, rights, titles, and interests, of said estate, or vested in him by this act, to the purchaser or purchasers thereof, to be executed and acknowledged as other deeds are by law. To make conveyance.

SEC. 5. This act shall take effect from and after its passage. To take effect.

CHAP. CCCXXXIV.—*An Act to authorize the Issuance of Duplicates for certain Lost School Land Warrants.*

[Approved April 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

To deliver certain school land warrants.

SECTION 1. The Treasurer of State is hereby authorized and directed to issue to Selah Russell the following described school land warrants: Number Five Hundred and One, for one hundred and sixty acres; Number Five Hundred and Two, for one hundred and sixty acres, and Number Five Hundred and Four, for one hundred and sixty acres. The Treasurer of State is also hereby authorized and directed to issue to D. K. Newell the following described California school land warrants: Number One Hundred and Eighty-Nine, for three hundred and twenty acres, and Number One Hundred and Ninety, for three hundred and twenty acres.

To be signed, etc.

SEC. 2 The said warrants shall be signed by the Treasurer and Controller of State, and indorsed by the Governor, and the word "Duplicate" written across the face thereof.

Before issuing, bonds of indemnity to be given.

SEC. 3. Before any of said duplicate school land warrants shall be delivered to the persons above named, the Treasurer shall demand and receive from each, bonds of indemnity in the sum equal to two dollars per acre. Said bonds shall be payable to the State of California, conditioned against the appearance or presentment for location of the original school land warrants hereinbefore named.

Form of bond.

SEC. 4. Said bond of indemity shall be in form, joint and several, executed by at least two good and sufficient sureties, to be approved by the Treasurer of State.

CHAP. CCCXXXV.—*An Act to Authorize the Commissioners of the Funded Debt of the County of Contra Costa to Reissue certain Coupons of the Bonds of said County to Jesse N. Bolles.*

[Approved April 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Commissioners to issue certain bonds.

SECTION 1. The Commissioners of the Funded Debt of the county of Contra Costa, upon receiving satisfactory proof of the destruction by fire of coupons Three and Four of Bond Number Forty-Seven, and of coupons Three and Four of Bond Forty-Nine, and of coupons Three and Four of Bond One Hundred and Fifty-Six, and of coupons Three and Four of Bond One Hundred and Fifty-Seven, and of coupons Three and Four of Bond Two Hundred and Eight, and of coupons Three and Four of Bond One Hundred and Thirty-Two, and of coupons Three and Four of Bond One Hundred and Thirty-Three, and of coupons Three

and Four of Bond One Hundred and Thirty-Four, and of coupons Three and Four of Bond One Hundred and Thirty-Five, and of coupons Three and Four of Bond One Hundred and Eighty-Two, which coupons were annexed to bonds numbered as above mentioned and issued to Jesse N. Bolles, under the laws providing for the funding of the debt of said county, are hereby authorized and directed as hereinafter specified to reissue at any time prior to the first day of September, A. D. one thousand eight hundred and sixty, to the said Jesse N. Bolles, duplicates of the coupons hereinbefore described, numbered and dated, as the originals were numbered and dated when issued.

What required to be written across the face.

SEC. 2. Across the face of each coupon so reissued shall be written the words "Reissued in place of coupons of the same number and date, destroyed by fire October first, one thousand eight hundred and fifty-eight;" *provided*, that the said Jesse N. Bolles or his duly authorized Agent thereto, shall first deposit with said Fund Commissioners his bond, payable to the county of Contra Costa in a sum not less than one thousand dollars, with at least two sufficient sureties to be approved by the County Judge of said county, conditioned that he will save harmless and indemnify the county of Contra Costa against the reappearance of said coupons or any part of them. Said duplicate coupons shall be signed by the present acting Commissioners of said Funded Debt, or such of them, or their successors who shall be in office at the time said coupons shall be reissued; or if there be none of said Commissioners in office, said coupons shall be signed and issued by the Treasurer of said county and countersigned by the Auditor.

Duplicates of like validity.

SEC. 3. The duplicates herein provided to be issued shall be as valid and effectual, to all intents and purposes, as were the original coupons, and they shall be paid in the same manner as might have been the originals.

CHAP. CCCXXXVI.—*An Act to authorize the Board of Supervisors of San Mateo County to Levy a Special Tax for Road Purposes.*

[Approved April 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

To levy a special tax.

SECTION 1. The Board of Supervisors of the county of San Mateo are hereby authorized and empowered to levy a special tax for the years one thousand eight hundred and sixty and one thousand eight hundred and sixty-one, not to exceed the sum of fifteen cents on each one hundred dollars of the taxable property in said county, for the purposes of grading and improving the roads in said county; and the said tax shall be collected in the same manner as are other taxes in said county.

SEC. 2. The said tax, when collected, shall be known as the Special Road Fund.

SEC. 3. The Board of Supervisors are hereby authorized to

Notice of improvements to be published.

contract with the lowest responsible bidders, for the improvements deemed by them necessary on the roads in said county, but they shall first give one month's notice in some newspaper of general circulation in said county, particularly setting forth the proposed improvement, and shall also post a like notice, at least one month prior to making such contract, in three conspicuous places in the road district where such improvement is proposed to be made.

When improvements completed Board to audit the same.

SEC. 4. Upon the completion of the improvement contracted for by the Board of Supervisors, in accordance with the contract, and upon the approval and acceptance of the same by them, the Board of Supervisors shall audit and allow the account and claim due upon such work; and upon such acceptance, the County Auditor shall draw his warrant for the amount due, upon the County Treasurer, payable out of the said Special Road Fund; *providing*, that no warrant shall be drawn for a greater sum than there shall be in said fund; and, *providing* further, that should there not be sufficient money in said fund to pay the full amount due upon such contract, then the balance due upon such contract shall be paid out of said fund from time to time, as there shall be in the county treasury any money belonging to said fund.

To take effect.

SEC. 5. This act shall take effect from and after its passage.

CHAP. CCCXXXVII.—*An Act to amend an Act, amendatory of an Act entitled "An Act to amend an Act entitled 'An Act Restricting the Herding of Sheep to certain Pastures in the Counties of Sonoma and Marin,'" approved April fifteenth, eighteen hundred and fifty-eight, approved March sixteenth, eighteen hundred and fifty-nine.*

[Approved April 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said act is hereby amended so as to read as follows:

Owners o sheep in certain counties required to herd the same within certain limits.

Sec. 1. It shall not be lawful for any person or persons owning, or having charge of, any sheep within the counties of Sonoma, Solano, Marin, San Mateo, Sutter, Santa Clara, Tulare, San Bernardino, Los Angeles, Contra Costa, Alameda, San Joaquin, Placer, Colusa, Stanislaus, Calaveras, Yolo, Sacramento, Humboldt, Monterey, Merced, San Luis Obispo, Mariposa, Napa, and Mendocino, to herd the same or permit them to be herded, on the land or possessory claims of other than the land or possessory claims of the owners of such sheep.

SEC. 2. Section five is hereby amended so as to read as follows:

Unoccupied lands may be used, conditionally.

Sec. 2. Nothing in this act shall be construed to prohibit or prevent the herding of sheep upon any unoccupied public lands of this State or of the United States, within said counties; *provided*, that in the counties of Mendocino, Calaveras, Yuba, and Merced, it shall not be lawful for any person or persons, owning

or having charge of any sheep, to herd the same on any unoccupied lands of this State or of the United States, where such herding may cause injury or inconvenience to actual settlers residing contiguous to such lands who have horses or cattle ranging on such unoccupied lands; and for a violation of this provision, the penalties of section two of the original act to which this is amendatory.

SEC. 3. This act shall take effect from and after its passage. To take effect.

CHAP. CCCXXXVIII.—*An Act to provide for the Payment of A. J. F. Phelan.*

[Approved April 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Controller of State is hereby authorized and directed to draw his warrant on the Treasurer of State in favor of A. J. F. Phelan for the sum of eleven hundred and seventy dollars, for services rendered by him as Clerk of the Board of War Debt Commissioners from December twentieth, one thousand eight hundred and fifty-six, to nineteenth of March, one thousand eight hundred and sixty. Claim allowed.

SEC. 2. And the sum of eleven hundred and seventy dollars is hereby appropriated out of any money in the treasury not otherwise appropriated for the payment of said claim. Amount appropriated.

CHAP. CCCXXXIX.—*An Act to authorize and require the State Treasurer to issue War Bonds for the Relief of J. S. P. Bass & Co.*

[Approved April 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The State Treasurer is hereby authorized and required to issue to J. S. P. Bass & Co. State War Bonds for the sum of seven hundred and five dollars, the same having been examined and allowed, under the law passed on the seventh day of April, eighteen hundred and fifty-nine. To issue bonds.

SEC. 2. This act to take effect and be in force from and after its passage. To take effect.

CHAP. CCCXL.—*An Act amendatory of "An Act to define the Boundaries, and provide for the Organization of Mendocino County," passed March eleventh, one thousand eight hundred and fifty-nine.*

[Approved April 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section first of said act is hereby amended, so as to read as follows:

Sec. 1. Mendocino County is bounded as follows: Beginning at a point on the Pacific Ocean, three miles due west of the mouth of Gualale River; thence east to the middle of the mouth of said stream, and up the middle of the channel of said stream two miles; thence in a direct line to the most northern and highest peak or summit, of the Redwood Mountain, immediately north of Cloverdale and Oat Valley; thence due east to the western boundary of Napa County, on the summit of the Mayacmas Ridge; thence northerly and easterly along the west and north boundary of Napa County, to the western boundary of Colusa County; thence northerly along the western boundaries of the counties of Colusa and Tehama, to a point on the line of the fortieth parallel of north latitude; thence along the said parallel due west to a point in the Pacific Ocean, three miles from the shore; thence southerly parallel with the coast to the place of beginning.

Boundaries.

CHAP. CCCXLI.—*An Act fixing the Salary of the Register of the State Land Office.*

[Approved April 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Salary.

SECTION 1. The Register of the State Land Office shall receive a salary of sixteen hundred dollars per annum, to date from the first of January, one thousand eight hundred and sixty.

Amount appropriated.

SEC. 2. For the payment of said salary from the first of January, one thousand eight hundred and sixty, to the end of the eleventh fiscal year, the sum of five hundred and fifty dollars is hereby appropriated out of any money in the General Fund not otherwise appropriated.

SEC. 3. All fees received by the Register of the State Land Office for certificates of purchase or otherwise, shall be paid into the State treasury, quarterly, from the passage of this act.

Additional Clerk.

SEC. 4. The Register shall be allowed to appoint one additional Clerk, at a salary of two hundred dollars per month; and the sum of six hundred dollars is hereby set aside from any moneys in the General Fund not otherwise appropriated, to pay the same.

CHAP. CCCXLII.—*An Act to amend "An Act creating a Board of Commissioners and the Office of Overseer in each Township of the several Counties of this State, to Regulate Water-Courses within their respective limits," passed May fifteenth, one thousand eight hundred and fifty-four.*

[Approved April 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section fifteen of said act is hereby amended so as to read as follows:

Sec. 15. Any person or persons, who, under this act, shall conduct water by ditch or otherwise, across the lands of any person or persons, shall pay to such person or persons, owning such lands, such compensation as may be agreed upon by the parties owning the lands; and in case the parties cannot agree, each party shall appoint one Arbitrator, and in case either party shall neglect or refuse to appoint such Arbitrator, for the space of three days, after written notice has been served on the parties so refusing or neglecting, requiring him to make such appointment, then it shall be lawful, and shall be the duty of the County Judge to appoint one Arbitrator for the party so refusing, and the two so appointed shall select a third; the Arbitrators so chosen may appraise the lands used for ditching purposes, and shall hear and determine all questions of damages arising from the taking and use thereof, and to award the amount of the same to the parties entitled thereto; and for this purpose, said Arbitrators shall have power to administer oaths. Before proceeding to appraise said lands, said Arbitrators shall make and subscribe an oath, that they will faithfully and honestly perform the duties of their appointment. The said Arbitrators shall make their report to the County Court, and the same shall be affirmed or set aside, for cause shown; and if set aside, new Arbitrators shall be appointed in the same manner as above, who shall proceed in like manner; and as soon as such award shall be affirmed, it shall have the effect of a judgment, and execution may be be issued thereupon by the Clerk of the court; *provided*, that nothing in this act shall be so construed as to apply to the mining interests of this State.

To pay owners of land for the same.

Arbitrators to report.

CHAP. CCCXLIII.—*An Act recommending to the Electors of the State to vote for or against a Convention to Revise and Change the Constitution of the State.*

[Approved April 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It is hereby recommended to the electors of the State, at the first election for members of the Legislature, had

Electors to decide on Constitutional Convention.

after the passage of this act, to vote for or against calling a convention to revise and change the Constitution of this State. The ballots used at such election may contain the words "For a Convention," or the words "Against the Convention," or words to the same effect, written or printed thereon; and the Inspector and the Judges of Election, at each and every poll in the State, shall ascertain and make returns of the number of votes cast in favor of a convention, and the number of votes cast against a convention, as aforesaid, in like manner and with the same particularity as other votes are required by law to be counted and returned; and an abstract thereof, as well as an abstract of all the votes cast in each county of the State for members of the Legislature, shall be transmitted, by each and every County Clerk of the State, to the Secretary of State, in the same manner, and at the time that votes for State officers are now by law required to be transmitted.

To report to Legislature abstract of votes cast.

SEC. 2. The Secretary of State shall prepare and lay before the Senate and Assembly, at the commencement of the next session of the Legislature, in January, A. D. one thousand eight hundred and sixty-one, or as soon thereafter as possible, a complete abstract of the whole number of votes cast "for" and "against" a convention, as, also, the votes for members of the Legislature; a majority of the aggregate vote of the State cast for members of the Legislature being in favor of a convention, said convention shall be deemed to have been called.

CHAP. CCCXLIV.—*An Act to provide for the Examination and Payment [of] certain Claims against the City of San Francisco and the City and County of San Francisco.*

[Approved April 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Board to examine certain claims.

SECTION 1. The Board of Supervisors of the city and county of San Francisco are hereby authorized and required to examine the claims of Joseph Yerkes and John White against the said city of San Francisco or the said city and county of San Francisco.

If found correct, to approve.

SEC. 2. If the claims of the said Joseph Yerkes and the said John White be found just and equitable, and founded upon valuable consideration, the said Board of Supervisors shall, by resolution, report the same as approved, to the Board of Commissioners hereinafter created.

Commissioners to fund the same.

SEC. 3. The President of the Board of Supervisors, the Auditor, and Treasurer, of the city and county of San Francisco, are hereby appointed a Board of Commissioners to fund the claims of the said Joseph Yerkes and John White, if the same be approved by the Board of Supervisors of the said city and county of San Francisco; and, in the event of their approval, the said Board of Commissioners are hereby directed to issue to

the said Joseph Yerkes and the said John White bonds, for the amount of their several claims, with interest at the rate of six per centum per annum from the date of the warrants on which said claims are based; said bonds shall be issued in the name of the city and county of San Francisco, and shall be and remain, a charge upon the present corporation of said city and county and the successor or successors thereof, and shall bear interest from their date, to-wit: January one, one thousand eight hundred and sixty, at the rate of six per centum per annum, payable, annually, at the office of the Treasurer of said city and county of San Francisco.

Bonds shall be receivable for taxes.

SEC. 4. The bonds to be issued, in conformity with the provisions of this act, shall be receivable for taxes, and shall be redeemable and made payable within the same time as bonds issued under the provisions of the act of April twenty, one thousand eight hundred and fifty-eight, entitled "An Act to provide for the Funding and Payment of the Outstanding and Unfunded Claims against the City and County of San Francisco as they existed prior to the first day of July, one thousand eight hundred and fifty-six."

Issuance and redemption of bonds

SEC. 5. The issuance and redemption of bonds to be issued in accordance with the provisions of this act, except as hereinbefore provided, shall be regulated by the provisions of the act of April twenty, one thousand eight hundred and fifty-eight, hereinbefore recited.

To take effect.

SEC. 6. This act shall take effect from and after its passage.

CHAP. CCCXLV.—*An Act relative to the Board of Supervisors of Sonoma County.*

[Approved April 28, 1860.

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Board to audit and allow certain claims.

SECTION 1. The Board of Supervisors of Sonoma County are hereby authorized to inquire into and to audit and allow all and any sums of money justly due by and from the county of Sonoma to Fennell & Co., upon any and all contracts made by said Board of Supervisors of Sonoma County, or any of them, for the construction of public buildings in Sonoma County, or for work done thereon.

Auditor to draw warrant.

SEC. 2. The Auditor of said county of Sonoma shall draw his warrant on the Treasurer of Sonoma County, and in favor of said Fennell & Co., for any and all sums of money so audited and allowed by the Board of Supervisors of said county.

Treasurer to pay.

SEC. 3. The Treasurer of Sonoma County shall pay out of any money in the General Fund of said county any and all warrants so drawn by the Auditor of said county in favor of said Fennell & Co.

CHAP. CCCXLVI.—*An Act for the Settlement of the Estate of certain Minors.*

[Approved April 28, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authorized to sell certain real estate.

SECTION 1. The Guardian or Guardians, of the minor heirs of Antonio M. Armijo, deceased, is or are hereby, authorized and empowered to sell at public or private sale all real and personal property owned or claimed by said minors or either of them; and said Guardian or Guardians may also consent to partitions of the said real estate, and may adjust and compromise all claims against said minors or their estate.

Before conveyance, to be approved by Probate Judge.

SEC. 2. Before any conveyance, or deed of partition, or adjustment, or compromise, shall be executed by any such Guardians, the same shall first be approved by the Probate Judge of the county having jurisdiction of the person of said minors, and said Probate Judge shall indorse his approval on said deed or instrument of conveyance; *provided*, however, that no such approval shall be given by said Probate Judge until said Guardian shall have filed, in the Probate Court, a bond, with sufficient sureties, in double the value of the real estate sought to be conveyed, conditional for the safe custody and proper disposal of the proceeds of any such sale for the benefit of said minors; and, *provided* further, that the sureties on said bond shall justify to the same as sureties on official bonds.

Conveyance to vest in grantees.

SEC. 3. All conveyances made under the provisions of this act shall vest in the grantees all the interest of the minors in the real estate or personal property sought to be sold.

To take effect.

SEC. 4. This act shall take effect from and after its passage.

CHAP. CCCXLVII.—*An Act to Pay the Claim of H. C. Kibbe.*

[Approved April 30, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Amount appropriated

SECTION 1. The sum of one hundred and seventy-five dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of paying Henry C. Kibbe for rent of office for the Board of War Examiners, from November thirteenth, one thousand eight hundred and fifty-seven to June twelfth, one thousand eight hundred and fifty-eight, and the Controller of State is hereby authorized and directed to draw his warrant for the same.

CHAP. CCCXLVIII.—*An Act amendatory of "An Act concerning Notaries Public," passed April thirtieth, eighteen hundred and fifty-seven, and amended and approved March sixteenth, eighteen hundred and fifty-nine.*

[Approved April 30, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The act of which this is amendatory shall be so construed and understood as to authorize the appointment and commission of thirteen Notaries Public in and for the county of Siskiyou. All Notaries Public appointed for said county or may hereafter be appointed for said county, under the construction of said act hereby given, shall be, and they are hereby, vested with all the legal powers of other Notaries Public of this State legally appointed. Construction of act.

SEC. 2. This act shall take effect from and after its passage. To take effect.

CHAP. CCCXLIX.—*An Act to provide for Settling the Boundary Lines between the Counties of Sierra and Plumas, and the Counties of Plumas and Shasta.*

[Approved April 30, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. For the purpose of settling and establishing the boundary lines between the counties of Sierra and Plumas, and between the counties of Plumas and Shasta, the Surveyor-General is hereby authorized and required to survey or cause to be surveyed the said lines, as soon as practicable, and at the equal expense of the counties between which said lines are run, and in accordance with the law providing for their organization and establishing their boundaries. Survey to be made at expense of counties interested.

SEC. 2. The Surveyor-General shall cause a copy of such survey with the plat or map thereof, to accompany the same, together with his certificate attached thereto, that the same is a correct survey of the boundary lines between the said counties; one copy of the said plat or map of the survey between Sierra and Plumas to be deposited with the County Clerk of Sierra County and one copy with the County Clerk of Plumas County, and one copy of the map or plat of the survey between the counties of Shasta and Plumas to be deposited with the County Clerk of Shasta and one copy with the County Clerk of Plumas County, and one copy of each shall be filed in the office of the Surveyor-General; and said lines, when thus defined and settled, shall thereafter be the legally established boundary lines between the said counties of Sierra and Plumas, and Plumas and Shasta, respectively. Certified copies of map to be made.

To be received as competent evidence.

SEC. 3. The copies of the survey, the plats or maps thereof accompanying the survey, together with the certificate of the Surveyor-General or any or either of them, required to be made and filed as directed in section two of this act, shall be received as competent evidence in any trial or proceedings had in any of the courts of this State, and shall be conclusive evidence of the facts therein stated and set forth.

To take effect.

SEC. 4. This act shall take effect from and after its passage.

CHAP. CCCL.—*An Act to amend "An Act to Incorporate the City of San José," approved March sixteenth, one thousand eight hundred and fifty-nine.*

[Approved April 30, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nineteen of said act is hereby amended so as to read as follows:

Sec. 19. It shall be the duty of the City Marshal, in addition to any duties required of him by the Common Council, and he is hereby authorized to execute and return all process issued by the Mayor, or directed to him by any legal authority, and to attend upon the Mayor's Court regularly; to enforce all ordinances passed by the Council, and arrest all persons guilty of a violation of the same; to prosecute before the Mayor for all breaches or violations of city ordinances; to collect all the license taxes that may at any time be due the said city, and receipt for the same; to receive the tax list, and upon the receipt thereof to proceed to collect the same, at the same time and manner as is prescribed for the collection of State and county taxes; the said Marshal being hereby vested with the same powers to make collections of taxes by sale and conveyance of real estate, as is or shall be conferred upon Collectors or Sheriffs, for the collection of State and county taxes; and it shall be the duty of the said Marshal to collect in the same manner any tax list placed in his hands for that purpose, without unnecessary delay, and pay all taxes and licenses to the Treasurer, monthly, and take his receipts therefor, retaining his per centage therefor, which shall not exceed two and one-half per cent. The City Marshal shall also be invested with all the powers conferred by law upon Constables, and shall receive the like fees for his services, to be paid in like manner. He may also appoint, with the consent of the Council, one or more Policemen, who shall receive for their services such sum as may be allowed by the Council, to be paid out of any moneys in the treasury not otherwise appropriated.

Further duties of City Marshal.

CHAP. CCCLI.—*An Act Concerning the Board of State Prison Directors.*

[Approved April 30, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In case of a vacancy in the office of Lieutenant-Governor or when the Lieutenant-Governor is acting as Governor, the President of the Senate is hereby empowered, directed, and required, to perform all of the duties which are required by law of the Lieutenant-Governor, as a member of the Board of State Prison Directors, created by "An Act for the Government of the State Prison Convicts, and to provide for the Location of a Branch Prison," approved April the twenty-fourth, A. D. one thousand eight hundred and fifty-eight.

In case of vacancy in office of Lieutenant-Governor, President of Senate to act

SEC. 2. This act shall take effect immediately after its passage.

To take effect.

CHAP. CCCLII.—*An Act to amend an Act entitled "An Act supplementary to an Act entitled 'An Act to amend an Act to Establish an Asylum for the Insane of the State of California,'" approved May seventeenth, one thousand eight hundred and fifty-four, approved April fifteenth, one thousand eight hundred and fifty-nine.*

[Approved April 30, 1860.]

The People of the State of California, represented in Senate and Assembly do enact as follows:

SECTION 1. The Act entitled "An Act supplementary to an Act entitled 'An Act to amend an Act to Establish an Asylum for the Insane of the State of California,'" approved May seventeenth, one thousand eight hundred and fifty-four, approved April fifteenth, one thousand eight hundred and fifty-nine, is hereby amended by an additional section thereto, as follows:

SEC. 2. The duties prescribed in section one of this act to be performed by the County Judge, may be performed in the city and county of San Francisco, by either the County Judge or the Police Judge.

Certain duties may be performed by County Judge, etc. of San Francisco.

SEC. 2. This act shall take effect from and after its passage.

CHAP. CCCLIII.—*An Act to Appropriate Money to parties therein named.*

[Approved April 30, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Amounts appropriated.

SECTION 1. The sum of two hundred and ten dollars and twenty-five cents is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, for the purpose of paying J. B. Dayton for fees as Clerk of the Sixth Judicial District Court, in certain cases wherein the State was a party.

SEC. 2. The sum of forty-five dollars is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, to pay the claim of the *California Farmer*—for copies furnished members at the ninth session of the Legislature.

To draw warrant.

SEC. 3. The Controller of State is hereby directed to draw his warrant on the State Treasurer in favor of said J. B. Dayton and *California Farmer* for the sum of two hundred and fifty-five dollars and twenty-five cents, and the State Treasurer is hereby authorized and directed to pay the same.

CHAP. CCCLIV.—*An Act to Regulate the Salary of the County Judge of Mariposa County.*

[Approved April 30, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Salary of County Judge.

SECTION 1. From and after the passage of this act, the County Judge of the county of Mariposa shall be entitled to receive the sum of two thousand dollars, per annum, out of any money in the county treasury not otherwise appropriated, to be paid in the same manner and subject to the same restrictions as now provided by law in payment of County Judges' salary, which said two thousand dollars shall be in full compensation for all services required of him.

Not affect present incumbent.

SEC. 2. This act shall not be construed to affect the present incumbent in office, but shall take effect and be in force when his successor is elected and qualified.

Repealing clause.

SEC. 3. All acts or parts of acts inconsistent with this, is hereby repealed.

CHAP. CCCLV.—*An Act declaring the Streets and Alleys in the Town of Red Bluffs, Public Highways.*

[Approved April 30, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All the streets and alleys in the town of Red Bluffs, as described in the plat of said town, are hereby declared public highways. Certain streets declared public highways.

SEC. 2. This act shall be in force from and after its passage.

CHAP. CCCLVI.—*An Act granting Appeals from the Board of Supervisors to the County Court in Contra Costa County.*

[Approved April 30, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any party or parties, aggrieved by the decision of the Board of Supervisors of said county, in the location, change, or alteration, of a public or private road, shall have the right to appeal to the County Court, where the matter shall be heard anew and determined; and costs shall be paid by the petitioner or petitioners, or party or parties objecting to such petition, as shall be determined by said County Court. Parties aggrieved may appeal to County Court.

SEC. 2. This act shall take effect from and after its passage. To take effect.

CHAP. CCCLVII.—*An act making an Appropriation for deficiency in the Appropriation made for Printing, Paper, and Official Advertisements, for the Eleventh Fiscal Year.*

[Approved April 30, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of eight thousand dollars is hereby appropriated out of any money in the State treasury not otherwise appropriated, to provide for the deficiency in the appropriation made for printing, paper, and official advertisements, for the eleventh fiscal year. Amount appropriated.

SEC. 2. This act shall take effect from and after its passage. To take effect.

CHAP. CCCLVIII.—*An Act supplemental to an Act entitled "An Act for the Protection of Game," passed May thirteenth, A. D. one thousand eight hundred and fifty-four.*

[Approved April 30, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Certain counties exempt.

SECTION 1. The counties of Los Angeles, San Diego, San Luis Obispo, Mendocino, Santa Barbara, and San Bernardino, are hereby exempted from the provisions of the act passed May thirteenth, A. D. one thousand eight hundred and fifty-four, entitled "An Act for the Protection of Game," and from the provisions of an amendment to the same act, passed April sixteenth, A. D. one thousand eight hundred and fifty-seven.

CHAP. CCCLIX.—*An Act to enable the County of Placer to Subscribe for Stock to the Sacramento, Placer, and Nevada, Railroad; to the Eastern Extension Railroad, and to assist in Constructing certain Wagon Roads therein named.*

[Approved April 30, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Proposition to be submitted to qualified electors.

SECTION 1. The Board of Supervisors of the county of Placer shall, at its first regular meeting after the passage of this act, submit to the qualified electors of said county a proposition for said county to subscribe for one hundred thousand dollars of the stock of the Sacramento, Placer, and Nevada, Railroad; twenty-five thousand dollars of the stock of the Eastern Extension Railroad; twelve thousand five hundred dollars towards the construction of a wagon road from Secret Springs, on the divide between the Middle and North Forks of the American River, in Placer County, to Carson Valley, and twelve thousand five hundred dollars towards the construction of a wagon road from Dutch Flat, in Placer County, to Carson Valley.

Manner of submitting.

SEC. 2. It shall be the duty of said Board of Supervisors, at its first regular meeting after the passage of this act, to cause a notice to be published in each of the newspapers published in said county, stating that a proposition will be submitted to the qualified electors of said county at a time therein named, which shall not be less than thirty days after the first publication of the same, for the said county to subscribe one hundred and fifty thousand dollars for the purposes specified in section one of this act.

Special election.

SEC. 3. The time fixed for said election shall not be at any general election; and said Board of Supervisors shall appoint Judges and Inspectors of the same, and it shall be conducted in all respects the same as, by law, general elections are conducted;

and at the end of ten days after the same is held, said Board shall meet and declare the result; *provided*, the officers of such election shall receive no pay for such services from the county.

SEC. 4. The ballots cast at said election shall have written or printed thereon one or more of the following propositions: "Subscription to the Dutch Flat Road—Yes;" "Subscription to the Secret Spring Road—Yes;" "Subscription to the Sacramento, Placer, and Nevada, Railroad—Yes;" "Subscription to the Eastern Extension Railroad—Yes;" or shall have written or printed thereon one or more of the following propositions: "Subscription to the Dutch Flat Road—No;" "Subscription to the Secret Spring Road—No;" "Subscription to the Sacramento, Placer, and Nevada, Railroad—No;" "Subscription to the Eastern Extension Railroad—No." In case there shall be a majority of the ballots cast at such election in favor of subscription over those cast against subscription, upon any one or more of said propositions, then in that event the Board of Supervisors of said county are authorized and directed to take and subscribe, for the use and benefit of said county, to the capital stock of either or both of said railroads, should either or both of said propositions prevail at said election, the amount or amounts set forth in section one of this act, and to appropriate to said wagon road or roads the amount or amounts set forth and indicated in section one, should either or both the propositions concerning the subscription to one or both said roads be adopted.

Form of ballots.

SEC. 5. The subscription for the stocks of said railroad companies shall be made by the President of the Board of Supervisors upon an order made by said Board, and shall be conditioned to pay the same in the bonds of said county, and for the same. Said bonds shall be received at their par value.

Subscription how made.

SEC. 6. When said subscription shall have been made, said Board of Supervisors shall, by an order, direct the President of said Board, the County Treasurer, and the County Auditor, who for that purpose shall constitute a Board of Commissioners, to issue the bonds of said county to said railroad companies, respectively, for the amounts subscribed to the stock thereof, in sums of one thousand dollars each, which bonds shall be payable in twenty years from the date of their issuance, and shall draw interest at the rate of eight per cent. per annum, payable, semi-annually, at the office of the Treasurer of said company at San Francisco or at New York, at the option of the railroad companies, respectively; and it shall be the duty of the said Board of Supervisors to provide for the payment, punctually, of the interest upon all of said bonds issued under and by virtue of this act, out of the fund created as hereinafter specified; *provided*, that no more than fifty thousand dollars of said bonds shall be issued to the Sacramento, Placer, and Nevada, Railroad Company, until the said company shall have completed and placed in traveling order thirteen consecutive miles of said road.

Commissioners to issue bonds.

Proviso.

SEC. 7. Upon the making of said order, said Board of Commissioners shall issue said bonds, as provided in section six of this act, and said bonds shall be signed by the President of said Board of Supervisors, the County Treasurer, and County Auditor, and countersigned by the County Clerk of said county, in the presence of the Commissioners, and coupons for interest shall

Bonds, how issued.

be attached to said bonds, so that the coupons may be removed without mutilating the bond, which coupons shall be signed by the Board of Commissioners; and when any payment of interest shall be made on the bonds, the coupons representing the interest paid shall be detached from the bond and delivered to the Clerk of the Board of Supervisors, who shall cancel and file the same in his office.

President to deliver bonds to the respective companies.

SEC. 8. When said bonds shall have been executed as provided in sections six and seven, the President of the Board of Supervisors shall deliver one hundred of the same to the Sacramento, Placer, and Nevada, Railroad Company, and twenty-five of the same to the Eastern Extension Railroad Company, and take the proper receipts therefor, and the Board of Supervisors shall enter on their journal the date and amount of each bond and the place of payment thereof; *provided*, that the bonds shall not be issued to the Sacramento, Placer, and Nevada, Railroad Company, otherwise than as specified in the proviso to section six.

On receipt of same, companies to deliver shares to Commissioners.

SEC. 9. Upon the receipt of said bonds the said railroad companies, respectively, shall execute and deliver to the said Commissioners shares of stock at par value equal to the amount of bonds received by them, and shall indorse the same as fully paid for; and in no event shall said county, or any of its officers or agents, be held to a greater liability under this act, or any law now existing, than to pay said bonds and the interest thereon as herein provided for.

Disposal of surplus.

SEC. 10. All the dividends declared by the railroad companies aforesaid, on the stocks owned by the county, shall be paid to the Treasurer of the county; and whenever a surplus shall have accumulated in said fund of five thousand dollars over and above the amount necessary to meet any payment of interest when it falls due, the Treasurer shall advertise, in a newspaper published in said county, to receive proposals for the redemption of bonds to the amount of said surplus, at a period not less than six weeks from the date of the advertisement. All proposals shall be accompanied by the bonds and shall state the lowest amount at which the owner will allow the same to be redeemed and canceled, which shall not be above its par value, including interest due. At the time fixed in the notice, the Treasurer shall open the proposals and shall accept of those offered at the lowest rate.

Bonds redeemed to be canceled.

SEC. 11. Whenever any bond is redeemed, the Treasurer shall write across the same that it is canceled, giving the date of the same, and deliver it to the Clerk of the Board of Supervisors, and said Board shall enter in their journals the date, amount, and number, of the bond, and when canceled.

Stock, how represented.

SEC. 12. The Chairman of the Board of Supervisors shall, under the general direction of said Board, in the name and in behalf of said county, represent and vote said stock at all meetings of the said companies, and at such meetings shall have the same rights, privileges, power, and authority, as other stockholders.

Commissioners to locate wagon roads.

SEC. 13. The Board of Supervisors shall appoint three Commissioners to locate the said wagon roads, and to expend thereon the appropriations therefor hereinbefore made, which Com-

missioners shall give bonds to the county in such manner and for such amount as the Supervisors shall direct. If said Commissioners, or any one of them, shall neglect or refuse to act, or if from any cause a vacancy shall occur, or if said Commissioners or any one of them, shall be guilty of official misconduct or neglect of duty, said Board of Supervisors are hereby empowered to remove the same, and to supply such vacancy as they occur from time to time; and the said bonds, subscribed and appropriated as aforesaid, shall be issued in the manner prescribed in section six of this act, and delivered to the said Commissioners in such amounts, at such times, and under such direction as to the expenditure thereof, as the Board of Supervisors shall direct.

SEC. 14. All acts and parts of acts in conflict with this act, are hereby declared of no force, in so far as they conflict with the provisions of this act. Repealing clause.

SEC. 15. This act shall take effect and be in force from and after its passage. To take effect.

CHAP. CCCLX.—*An Act to amend an Act entitled "An Act to amend an Act entitled 'An Act to authorize the Funding of the Floating Debt of the City of San Francisco, and to provide for the Payment of the same,'" passed May first, one thousand eight hundred and fifty-one, approved April twentieth, one thousand eight hundred and fifty-eight.*

[Approved April 30, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The first section of the amendatory act passed April twentieth, one thousand eight hundred and fifty-eight, and referred to in the title, is amended to read as follows:

Sec. 1. The sixth section of the act passed May first, one thousand eight hundred and fifty-one, and referred to in the title, is amended as follows:

Sec. 6. At the time when the principal of said stock becomes redeemable, the said Commissioners shall devote the moneys in their hands to the redemption of the same, and shall pay over the surplus, if any, to the Treasurer of the city and county of San Francisco. The said Commissioners shall also, after discharging the trusts for which they are herein appointed, convey and restore to the city and county of San Francisco, all the property, titles, and assets, belonging to the same, and remaining in their possession. Each of said Commissioners shall receive for his services the monthly salary of one hundred dollars per month, except the President of the Board, who shall receive one hundred and twenty-five dollars per month, and the Secretary, who shall receive two hundred and fifty dollars per month. Before entering upon their office, the said Commissioners hereafter appointed shall give bonds to the city and county of San Francisco, by its corporate name, to be approved by either of the Dis- Commissioners to devote moneys in hand to redemption of principal of stock when due. Salaries of Commissioners.

trict Courts of the city and county of San Francisco, conditioned for the faithful discharge of the duties of their trusts; and such bonds shall be renewed from time to time upon the order of the District Court having jurisdiction within the said city and county, for cause shown, on the application of the said city and county of San Francisco, after previous notice to the said Commissioners, and upon failure to comply with the said order, the said Commissioners shall cease to exercise the duties of their said trust.

SEC. 2. The second section of said amendatory act is amended to read as follows:

Sec. 2. The fourteenth section of the act of May first, one thousand eight hundred and fifty-one, referred to in the title, is amended to read as follows:

Disposition of surplus moneys.

Sec. 14. Whenever the said Commissioners of the Funded Debt shall have surplus moneys in their hands for the extinguishment of any portion of the said principal stock, as hereinbefore provided, they shall publicly advertise for at least five weeks, in some newspaper printed in the city of San Francisco, for sealed proposals for the surrender of portions of said stock, and shall state in such advertisement the amount of money which they have in their hands for that purpose, and they shall accept those proposals which shall secure the cancellation of the greatest amount of such stock, and of annual interest thereafter to accrue on the same, reference being had to the rate of interest payable on such stock; *provided*, that no proposal shall be accepted at any higher premium than five per cent. above par; and in case proposals are not made so that said stock can be redeemed as herein provided, the said Commissioners are authorized to invest said funds in any other stock of said city, or of the city and county of San Francisco, at the best practicable rates not exceeding its par value.

CHAP. CCCLXI.—*An Act supplemental to, and amendatory of, an Act entitled "An Act to provide for the Settlement of all Claims against the State of California, arising out of, or connected with, the Contract made on the twenty-sixth of March, one thousand eight hundred and fifty-six, between the State and the late James M. Estill, for the lease of the State Prison and Convict Labor, and to procure the cancellation of said Contract, and the surrender of the State Prison to the State," approved April twenty-first, one thousand eight hundred and sixty.*

[Approved April 30, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said act is hereby amended so as to read as follows:

Sec. 2. The said Commissioners shall have power to make

such compromise and settlement upon the following terms and conditions, and not otherwise.

First—That the said McCauley and Tevis, shall release the State from any and all claims, and demands, whatever, whether in law or equity, for any and all sums of money due or to become due, under said contract, or for any violation thereof; that said contract shall be canceled and rescinded, and that said parties shall surrender and deliver up to said Commissioners for the State the State prison convicts, and all the property of the State known as the "State Prison Property," in their possession, or in the possession of either of them, or any other person whatsoever. Terms of compromise

Second—That the said McCauley shall release John B. Weller, late Governor of the State of California, and all other persons who acted under his authority and direction, from all claims and demands whatsoever, for the taking and detention by him or them, at any time heretofore, of any property of the said McCauley or Tevis, and shall also release the State from all claims and demands for any property of the said McCauley or Tevis, taken or detained by the said Weller, or by any person or persons acting under his authority, and which has not been heretofore restored to the said McCauley.

Third—That the amount to be paid to said McCauley and Tevis, upon such compromise and settlement, shall not exceed the sum [of] two hundred and seventy-five thousand dollars; one-half of the amount which the Commissioners may agree upon as due said McCauley and Tevis, shall be paid in cash, and the remainder upon the expiration of six months.

SEC. 2. This act shall take effect from and after its passage. To take effect.

CHAP. CCCLXII.—*An Act concerning the Offices of Sheriff, County Clerk, County Recorder, County Treasurer, County Collector, and County Assessor, and fixing their Compensation, for the County of El Dorado.*

[Approved April 30, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Sheriff, County Clerk, County Recorder, County Treasurer, Collector, and County Assessor, of El Dorado County, from and after the first Monday in October, one thousand eight hundred and sixty-one, shall receive for all services required of them by law, or for duties imposed on them by virtue of their several offices, a salary at the rate per annum, respectively, as hereinafter prescribed. Salaries, etc.

SEC. 2. The Sheriff shall receive for all services required of him by law, in his said office, a salary at the rate of four thousand dollars per annum, and such necessary mileage as is now allowed by law; *provided*, that for any service rendered the State, he shall receive the payment provided for such service from the State for his own proper use, in full compensation for Of Sheriff.

such service, and expenses incurred in the performance of such service.

Of County Clerk.

SEC. 3. The County Clerk, for all services required of him in his office or by virtue of his office, shall receive a salary at the rate per annum of three thousand dollars, which shall be in full for all services required of him by law; *provided*, that for any service rendered the State, he may retain the amount paid by the State for such service for his own proper use, in full compensation for such service.

Of County Recorder.

SEC. 4. The County Recorder, for all services required of him in his office or by virtue of his office as County Recorder or *ex officio* as County Auditor, shall receive a salary at the rate per annum of three thousand dollars, which salary shall be in full compensation for all such services rendered; *provided*, that the per centage which is now allowed him by law or which may hereafter be allowed him, for his services in connection with foreign miners' licenses and poll tax, shall be paid into the County School Fund.

Of County Treasurer.

SEC. 5. The County Treasurer, for all services required of him by law or by virtue of his office, shall receive a salary at the rate per annum of two thousand dollars; *provided*, that for any service rendered the State, he may retain the amount paid by the State for such service for his own proper use, in full compensation for such service.

Duty and compensation of Collector.

SEC. 6. The Collector shall collect all taxes and licenses of every kind required by law for State and county purposes, and he shall receive a salary at the rate of three thousand dollars per annum, which salary shall be in full compensation for all services required of him by law. The Deputy Collectors shall receive the fees now allowed by law for collecting licenses and poll taxes, and to Deputy Collectors for collecting foreign miners' licenses; *provided*, that the per centage for collecting all property tax shall be paid into the county treasury.

Salary of Assessor.

SEC. 7. The County Assessor, for all services required of him by law or by virtue of his office, shall receive a salary at the rate per annum of two thousand dollars; *provided*, that for any service rendered the State, he may retain the amount paid by the State for such service for his own proper use, in full compensation for such service.

Sheriff allowed certain Assistants.

SEC. 8. The Sheriff shall be allowed the following Assistants, to be paid by the county: An Under Sheriff, to be paid at the rate of one hundred and fifty dollars per month; two Deputies, at the rate of one hundred and twenty-five dollars per month; and one Keeper of the jail, at the rate of seventy-five dollars per month. Any other Deputies that may be required for the performance of the duties of the office of Sheriff shall be paid by the Sheriff from his salary herein provided.

Clerk allowed Deputy.

SEC. 9. The County Clerk shall be allowed one Deputy, who shall be paid by the county at the rate of one hundred and twenty-five dollars per month.

Assessor allowed two Deputies.

SEC. 10. The County Assessors shall be allowed two Deputies, who shall be paid by the county for the assessment of the revenue, at a compensation at the rate of seven dollars per day for the time actually employed during the time provided by law for the assessment of revenue.

Certain officers to safely keep all fees, etc.

SEC. 11. The officers named in the first section of this act shall collect and safely keep all fees, commissions, and per centage, now allowed them by law for services rendered by them in their several official capacities, except for such services as the county or State is chargeable, and upon the first Monday in each month shall pay the same into the county treasury.

Said officers to keep, each, a fee-book.

SEC. 12. The said officers, from and after the first Monday in October, A. D. one thousand eight hundred and sixty-one, shall each keep a book, to be denominated the "Fee Book," which book shall be the property of the county, and which shall be open, during office hours, to public inspection. In this book shall be entered, in detail, all fees or compensation of whatever nature or kind, collected or chargeable—in one column, the fees or compensation belonging to the county, and in another column, the fees or compensation which under this act may be retained by the officer. On the first Monday of November, A. D. one thousand eight hundred and sixty-one, and on the first Monday of each month thereafter, the officer shall carefully add up the several columns and set down the totals, and the compensation and fees collected or chargeable for the county shall be paid to the County Treasurer, accompanied by a full, accurate, and detailed statement, in duplicate, under oath, of all fees, per centage, and compensation, of whatever kind, collected for or charged for the county. Upon receiving the Treasurer's receipt for the payment of such fees or compensation, said receipt and one of the statements herein required, to be made out in duplicate, shall be filed with the Auditor; and until the payment of such fees or compensation which under this act shall belong to the county shall be paid to the Treasurer, and said Treasurer's receipt and such officer's detailed statement have been filed with the Auditor, said Auditor is prohibited from drawing any warrant, and the Treasurer from paying any warrant, in favor of such officer or any of such officer's Deputies. It is hereby expressly provided, that any officer crediting any fee or per centage for any official service which under this act is provided to be paid into the county treasury, shall do so at his own risk, and said officer shall set down the same in his fee book, and it shall be paid by him into the county treasury, as herein provided, the same as if he had collected said fee at the time or prior to the performance of the service for which said fee was chargeable. The duplicate certificates herein provided to be filed with the Treasurer and Auditor shall be sworn to, as follows:

Officer giving credit, at his own risk.

"I, ——— ———, Sheriff [or other officer, as the case may be,] of the county of El Dorado, do solemnly swear, that the entire fees, or compensation, or per centage, or payment, for official service rendered by me or any Deputy or person connected with my office for me, has been entered, in detail, in the fee book of my office and added up, and that the portion belonging to the county is ———, and that said amount is the full amount received or chargeable since the last payment, and that neither myself nor, to my knowledge, any Deputy for me has rendered any service, except service for the county, which is not entered and added up to make the aforesaid sum."

All fees or compensation for official service, which under this

act are required to be paid into the county treasury, shall be charged to the General Fund of the county and be applied to the payment of Auditor's warrants, as now provided by law. The several officers named in this act shall perform all services required of them by law for county purposes without fee or compensation other than is provided in this act.

Officer neglecting to comply, etc. guilty of misdemeanor.

SEC. 13. For a willful neglect or a refusal to comply with the provisions of this act, or for any one of them, any officer or officers herein named, shall on conviction, be subject to a fine not exceeding five thousand dollars, a forfeiture of their offices, to imprisonment in the State prison, not less than one nor more than three years, or to any one [or] more of the said penalties, in the discretion of the court; *provided*, that nothing in this section shall release them from giving any bond required of them by law, or from any civil responsibility to any and all persons in relation to the business of their said offices that may be by law applicable to their said several official duties.

To render monthly accounts for services rendered.

SEC. 14. On the first Monday in each month, from and after the first Monday in October, A. D. one thousand eight hundred and sixty-one, the officers may make out and present to the Board of Supervisors the account for their services and the services of their Deputies, as provided in this act, and if it shall appear to the satisfaction of the Board that said officers have complied with the provisions of this act, the Board of Supervisors shall audit, allow, and order paid, out of the General Fund of the county the amounts severally due them, in like manner as other claims against the county are allowed and audited.

Repealing clause.

SEC. 15. All acts or parts of acts conflicting with the provisions of this act are hereby repealed, so far as they relate to the said several officers herein named for the county of El Dorado.

To take effect.

SEC. 16. This act shall take effect and be in force from and after the first Monday of October, one thousand eight hundred and sixty-one.

CHAP. CCCLXIII.—*An Act to provide for Paying certain Equitable Claims against the State of California, and to contract a Funded Debt for that purpose.*

[Approved April 30, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Treasurer to prepare bonds.

SECTION 1. For the purpose of liquidating, funding, and paying, the claims against the State of California, hereinafter specified, the Treasurer of State shall cause to be prepared suitable bonds of the State of California, not to exceed the sum of two hundred thousand dollars, bearing interest at the rate of seven per centum per annum, from the date of their issue, payable at the office of the State Treasurer, on the first day of July, one thousand eight hundred and eighty. The interest accruing on said bonds shall be due and payable at the office of the Treasurer

of State, on the first day of January and July, of each year; *provided*, that the first payment of interest shall be made before the first day of January, one thousand eight hundred and sixty-two. Said bonds shall be signed by the Governor, and countersigned by the Controller, and indorsed by the Treasurer of State, and shall have the seal of the State affixed thereto.

Coupons for interest.

SEC. 2. Coupons, for the interest, shall be attached to each bond so that they may be removed without injury or mutilation to the bond. Said coupons, consecutively numbered, shall be signed by the Treasurer of State.

Bonds issued to be kept.

SEC. 3. It shall be the duty of the Treasurer and Controller of State, each to keep a separate record of all such bonds as may be issued, showing the number, date, and amount, of each bond, and to whom the same was issued, and upon what claim, and its amount; and none of the claims herein specified shall be liquidated or paid but in the manner herein provided.

Amount appropriated.

SEC. 4. The sum of one thousand dollars is hereby appropriated, out of any money in the treasury, not otherwise appropriated, to pay the expense that may be incurred by the Treasurer in having said bonds prepared, but the Controller shall not draw his warrant on the treasury for this amount until there is money therein to pay the same.

Claims entitled to be funded, exchanged for bonds.

SEC. 5. All persons having any of the claims against the State of California entitled to be funded as hereinafter specified shall, upon the presentation of the same to the Treasurer of State, receive, in exchange therefor, a bond or bonds of the State of California, provided for in the first section of this act, but no bond shall be issued for a less sum than five hundred dollars, nor for fractional parts of a hundred dollars, but the Treasurer may issue certificates of such fractional parts not bonded, which said certificate shall be transferable, and entitled to be funded as before provided. The Treasurer shall indorse on the back of each claim so received and liquidated, the date on which he received the same, and from whom, and the number of the bond issued in exchange therefor, and such claim shall be filed in the office of the Secretary of State.

Payment of principal and interest.

SEC. 6. For the payment within twenty years of the principal and interest of the bonds issued under this act, there shall be levied, annually, until the bonds are paid and promptly collected, in the same manner as is or may be provided by law for ordinary State taxes, a tax of one and one-quarter cents on each one hundred dollars of the assessed value of real and personal property in the State, and the fund derived from this tax shall be set apart and applied exclusively to the payment of the interest on the bonds herein provided and the final redemption of the principal of said bonds, and the faith of the State of California is hereby pledged for the payment, as herein provided, of the bonds issued by virtue of this act and the interest thereon; and all moneys that may be received by the State of California from the United States Government, on account of the "Civil Fund," so called, are hereby irrevocably pledged to the payment of the principal and interest on the bonds issued under this act. A willful refusal or neglect by the Supervisors or any other officer, to levy or collect the taxes imposed by this act, shall be a misdemeanor, and the person or persons convicted thereof shall be

removed from office, and punished by a fine not exceeding one thousand dollars, or by imprisonment in the County Jail not exceeding six months, or by both such fine and imprisonment.

Notice to be given for the surrender of bonds.

SEC. 7. Whenever on the first day of February or August in any year, there remains, after the payment of the interest, as hereinbefore provided, a surplus of ten thousand dollars or more, it shall be the duty of the Treasurer to advertise for the space of one week in one daily newspaper, published in English, in the city of New York, and for one month in one daily newspaper, published in English, at the State capital, for sealed proposals, to be opened one month after the expiration of such publications, by the Treasurer, in presence of the Governor or Controller, at the State capital, for the surrender of bonds issued under this act, which advertisement shall state the amount of money he has on hand for the purpose of redemption, and they shall accept the lowest proposals at rates not exceeding par value, as may redeem the greatest amount of bonds, until the amount of cash on hand for the redemption is exhausted; *provided*, however, in case a sufficient amount of such bonds shall not be offered, as aforesaid, to exhaust the Sinking Fund to a less amount than ten thousand dollars, then it is hereby made the duty of the Treasurer to advertise in two newspapers, one in New York and one at the capital of this State, for three months, which advertisement shall state the amount in the Sinking Fund and the number of bonds, numbering them in the order of their issuance, which such fund is set apart to pay and discharge; and if such bonds so numbered in such advertisement shall not be presented for payment and cancellation within three months from the expiration of such publication, then such fund shall remain in the treasury to discharge such bonds whenever presented, but they shall draw no interest after such publication, as last aforesaid.

Treasurer to keep record of all his proceedings, etc.

SEC. 8. The Treasurer of State shall keep full and particular account and record of all his proceedings under this act, and of the bonds redeemed and surrendered, and he shall transmit to the Governor an abstract of all his proceedings under this act, with his annual report, to be by the Governor laid before the Legislature; and all books and papers pertaining to the matter provided for in this act, shall at all times be open to the inspection of any party interested, or the Governor, or the Attorney-General, or a committee of either branch of the Legislature, or a joint committee of both.

Duty of Treasurer to pay, etc.

SEC. 9. It shall be the duty of the Treasurer to pay the interest on said bonds when the same falls due, out of said Interest Fund, if sufficient; and if said fund be not sufficient, then to pay the deficiency out of the General Fund; *provided*, that the Controller of State shall first draw his warrant on the Treasurer, payable to the order of said Treasurer, for the amount of interest money about to become due, which said interest warrant shall be drawn at least one month previous to the maturing of the interest.

Claims to be registered and canceled

SEC. 10. It shall be the duty of the Governor and Controller, while said bonds are being issued, to examine all claims received by the Treasurer as aforesaid, and cause the same to be registered and canceled in such manner as to prevent them from being reissued or put in circulation.

SEC. 11. The following are specified as the claims which are entitled to be received and funded under this act: Claims entitled to be funded.

First—Civil bonds of the State issued under the funding acts passed in the years one thousand eight hundred and fifty-one, one thousand eight hundred and fifty-two, one thousand eight hundred and fifty-three, one thousand eight hundred and fifty-five, and one thousand eight hundred and fifty-six, which are now outstanding, with interest due on the same, when presented, as appears by the coupons.

Second—Controller's Warrants, drawn under sanction of law, for civil expenses, prior to January first, A. D. one thousand eight hundred and fifty-seven, and now outstanding and unpaid. But the provisions of this act shall not authorize the funding of any of those warrants, the registration and indorsement of which were canceled or required to be canceled, by the provisions of "An Act to Cancel the Registration and Indorsement of certain Warrants, and prohibiting the Payment of the same," approved January thirtieth, A. D. one thousand eight hundred and fifty-six, or warrants which have been specially adjudged illegal by any court; and all said warrants, specified in the last mentioned act, are hereby expressly excluded from all the benefits and provisions of this act.

Third—Just or legal claims against the State accrued prior to January first, one thousand eight hundred and fifty-seven, and which has been, or may be, allowed and audited by act of the Legislature.

And if the Treasurer of State shall willfully issue bonds upon claims not herein specified as receivable, it shall be deemed a misdemeanor, and he shall be punished as provided in section six of this act, and such bond shall be void. If Treasurer shall willfully issue, etc.

SEC. 12. The claims specified in this act may be received for funding, and bonds therefor may be issued prior to the first day of January, one thousand eight hundred and sixty-two, but not afterward; and all claims not presented for funding prior to that time, are excluded from the provisions of this act, and such blank bonds prepared under the provisions of this act as shall then remain on hand, shall be destroyed in the presence of the Governor, Controller, and Treasurer. Claims not herein specified, excluded from provisions of act.

SEC. 13. This act shall take effect on the first day of January, A. D. one thousand eight hundred and sixty-one, as to all its provisions, except those relating to, and necessary for, its submission to the people, and for returning, canvassing, and proclaiming, the votes, which shall take effect immediately. To take effect.

SEC. 14. This act shall be submitted to the people of the State, for their ratification, at the next general election, to be holden on the Tuesday next after the first Monday in November, one thousand eight hundred and sixty; and the qualified electors of the State shall, at said election, on their ballots for State officers, vote for or against this act; those voting for the same shall write or have printed, on their ballots, the words "Pay the Debt;" and those voting against the same shall write or have printed, on their ballots, the words "Repudiate the Debt." To be submitted to people.

SEC. 15. The votes cast for and against this act shall be counted, returned, and canvassed, and declared, in the same manner and subject to the same rules, as votes cast for the Treasurer

Manner of counting, canvassing, etc. votes.

of State; and if it appear that a majority of all the votes so cast for or against this law, as aforesaid, are in favor of this act, then the same shall have effect as hereinbefore provided, and shall be irrepealable until the principal and interest of the liabilities herein created shall be paid and discharged, and the Governor shall make proclamation thereof; but if a majority of the votes so cast are against this act, then the same shall become void.

Act to be published in judicial districts of the State.

SEC. 16. It shall be the duty of the Secretary of State to have this act published in one newspaper in each judicial district of this State, if one be published therein, for three months next preceding the general election, to be holden upon the Tuesday next after the first Monday of November next; for which publication no greater allowance shall be made than the rates allowed by law to the State Printer.

CHAP. CCCLXIV.—*An Act to Pay the Fees of Attorneys in certain Cases in which the State is interested.*

[Approved April 30, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Amount appropriated.

SECTION 1. The sum of fifteen hundred dollars is hereby appropriated out of any money in the General Fund not otherwise appropriated, for the purpose of paying the warrant hereinafter provided to be issued.

Payment for defending State.

SEC. 2. Whenever the firm of Messrs. Hereford & Long shall make, execute, and deliver, to the Controller of State a receipt in full for all services as Attorneys and Counselors-at-Law in the defense of the suit of The People *ex rel.* John F. McCauley, Lloyd Tevis, and Martha Estill *v.* Aaron R. Meloney, Controller of State, then the Controller of State is hereby authorized and required to draw his warrant on the State Treasurer in favor of said Hereford & Long for the sum of fifteen hundred dollars, which shall be paid by said State Treasurer out of the appropriation hereinbefore made.

Exemption clause.

SEC. 3. The provisions of this act are hereby specially exempted from the operation of an act entitled "An Act to create a Board of Examiners, to define their Powers and Duties, and to impose certain Duties upon the Controller and Treasurer," approved April twenty-first, one thousand eight hundred and fifty-eight.

CHAP. CCCLXV.—*An Act to amend an Act entitled "An Act to Regulate the Settlement of the Estates of Deceased Persons," passed May first, one thousand eight hundred and fifty-one.*

[Approved April 30, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one hundred and eighteen of said act is hereby amended so as to read as follows:

[Sec. 118.] If the person so cited refuse to appear and submit to such examination, or to answer such interrogatories as may be put to him or her touching the matters of such complaint, the court may by warrant for that purpose, commit him or her to the county jail, there to remain in close custody until he or she shall submit to the order of the court, or be discharged according to law, and if upon such examination it shall appear that such person has concealed, embezzled, smuggled, conveyed away, or disposed of, any moneys, goods, or chattels, of the deceased, or that he has in his possession or knowledge, any deeds, conveyances, bonds, contracts, or other writings, which contain evidences of, or tend to disclose, the right, title, interest, or claim, of the deceased, to any real or personal estate, claim, or demand, or any lost will of the deceased, the Probate Judge shall make an order requiring said person to deliver the same or disclose his knowledge thereof, to said Administrator, and may commit said person to the county jail, there to remain until said order is complied with, or be discharged according to law; and all such interrogatories and answers shall be in writing, and shall be signed by the party examined, and filed in the Probate Court.

May be committed to jail for refusal to answer.

SEC. 2. Where estates have been ordered into the hands of the Public Administrator the fees of all officers shall be charged to said estate, and the Administrator shall pay the same to said officers as soon as sufficient money comes into his hands to pay the expenses of the administration.

Fees.

SEC. 3. The Public Administrator shall be authorized to administer all necessary oaths in the discharge of his duties as such in the same manner and with like effect, as Notaries Public, and shall be entitled to receive the same fees therefor.

May administer oaths.

CHAP. CCCLXVI.—*An Act supplementary to an Act entitled "An Act concerning Conveyances," passed April sixteenth, one thousand eight hundred and fifty.*

[Approved April 30, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All instruments of writing now copied into the proper books of record of the office of the County Recorders of

What deemed notice of deeds, etc.

the several counties of this State shall, after the passage of this act, be deemed to impart to subsequent purchasers and incumbrances, and all other persons whomsoever, notice of all deeds, mortgages, powers of attorney, contracts, conveyances, or other instruments, so far as and to the extent that the same may be found recorded, copied, or noted, in the said books of record, notwithstanding any defect, omission, or informality, existing in the execution, acknowledgment, certificate of acknowledgment, recording, or certificate of recording, the same; *provided*, that nothing herein contained shall be construed to affect any rights heretofore acquired in the hands of subsequent grantees or assignees.

Certified copies may be read.

SEC. 2. Duly certified copies of such instruments as are embraced in section one of this act may be read in evidence, under the same circumstances and rules as are now or may hereafter be provided by law for using copies of instruments duly executed and recorded; *provided*, that proof shall be first made that the instruments, copies of which it is proposed to use, were genuine instruments, and were in truth executed by the grantor or grantors therein named.

CHAP. CCCLXVII.—*An Act to authorize John J. Tomlinson and Associates to build a Wharf at the Port of San Pedro, in the County of Los Angeles.*

[Approved April 30, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Right to construct wharf.

SECTION 1. The right to build and erect a wharf on the bay of San Pedro, at the place known as "Timms' Landing," in the county of Los Angeles, is hereby granted to John J. Tomlinson, his associates, and their heirs and assigns, for the time of twenty years after the passage of this act.

Use of land.

SEC. 2. The use and occupancy of the overflowed land hereby granted for the uses and purposes of said wharf shall commence at high tide, running out into the bay not to exceed nine hundred feet in length and one hundred feet in width; *provided*, that nothing in this section shall impair any right or rights acquired by parties owning the wharf now existing at the place mentioned in section one of this act.

To keep in repair, etc.

SEC. 3. The said Tomlinson shall keep the present wharf in good repair, and may, from time to time, enlarge the same, as the business and commerce may require. Said grantee, his heirs and assigns, may receive and collect tolls, dockage, and wharfage, upon the vessels using the wharf and the conveniences for shipping and landing thereby provided; and the Board of Supervisors of said county shall at all times have the right to fix the rates of toll, wharfage, and dockage; *provided*, the same shall not be placed below the rate of twenty per cent. per annum on the amount of capital invested in said wharf.

SEC. 4. Said grantee, his associates, heirs, and assigns, shall

pay into the State treasury one dollar per year for said term; and upon the expiration of the twenty years aforesaid, the rights and privileges herein granted shall revert to the State of California. Limitation.

SEC. 5. If the said John J. Tomlinson and Associates shall fail to complete and finish the wharf on or before the first day of May, one thousand eight hundred and sixty-five, then this grant shall become void and the franchise revert to the State. Conditions.

CHAP. CCCLXVIII.—*An Act concerning Roads and Highways in the County of Placer.*

[Approved April 30, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the first day of December, A. D. one thousand eight hundred and sixty, the Tax Collector or Collectors, of the county of Placer, shall collect the road tax in said county. The Road Tax Collector or Collectors in said county, shall have and exercise the same powers in enforcing the collection of said taxes, as are by law conferred in the collection of the foreign miners' license tax, and shall receive the same per centage therefor. Tax Collectors to collect road tax.

SEC. 2. Said Collectors shall pay over such moneys as they may receive under the provisions of this act, less the per centage allowed them for collection, to the County Treasurer of said county, at the same time and in the same manner as is provided by law for the payment of moneys collected by them for poll, license, and other taxes, in said county. To pay over tax less the per centage.

SEC. 3. All moneys collected under the provisions of this act, shall be a separate Road Fund, for each collection district in which such moneys have been collected, and shall be applied for the purpose of constructing and keeping in repair all public roads and bridges, and such mountain trails as are in general use in said district; *provided*, that such moneys as may not be expended for necessary repairs of public roads and bridges in said districts, shall be reserved as a fund for the purchase of toll-roads and toll-bridges in said districts, or two or more districts may join together for the purchase of such roads and bridges. Dispositions of road tax.

SEC. 4. All moneys paid into the county treasury under the provisions of this act, shall be subject to the order and under the control of a Board of Road Commissioners, to be elected and qualified as hereinafter provided for; said Board or Boards of Commissioners shall consist of three members in each road or collection district, as provided for in the provisions of this act, and they shall be elected at the same time and in the same manner as the Collectors referred to in section one of this act, and shall hold their office for the term of one year, and shall be elected annually thereafter; said Commissioners shall, within ten days after being duly notified of their election by the Coun- Moneys subject to order of Road Commissioners.

ty Clerk of said county, whose duty it shall be to notify them, qualify in the same manner as Justices of the Peace and other township officers, and shall file a bond in the Clerk's office of said county in such sum, not to exceed two thousand dollars, with two good and sufficient sureties, as may be required of them by the County Judge of said county, such bond to be approved by him; *provided*, always, that each road district shall consist of one township and no more.

Commissioners to meet annually for certain purposes.

SEC. 5. Said Commissioners shall meet annually on the first Monday in March in each year, for the purpose of receiving bids for constructing and keeping in repair all public roads and bridges in the districts for which they are elected, and they shall advertise in some newspaper published in the county and in or nearest to their respective districts, for bids or proposals for keeping such roads and bridges in repair, for three weeks prior to their annual meeting, and shall post like notices of the same in three of the most public places in said districts for at least three weeks prior to their annual meeting. Contracts for constructing and keeping in repair all public roads and bridges shall, in all cases, be awarded by them to the lowest responsible bidder, who will contract to keep such roads and bridges in repair for the term of one year from the first Monday in March. Bids may be received and considered for the constructing and keeping in repair all or any portion of the public roads and bridges in said districts, or said Commissioners may put up such portions of said roads as a majority of said Board may deem proper; but in no case shall the amount of money expended on said roads exceed the amount collected in said districts in which such roads and bridges are located; and said Commissioners shall require such sureties as they may deem just for the faithful performance of contracts made under the provisions of this act; but in no case shall the amount required exceed the sum to be paid for the fulfillment of contracts made under the provisions of this act; and, when the Board of Commissioners or a majority of them, shall be satisfied that the terms of the contracts have been complied with, they shall issue a certificate to the parties, signed by at least two of said Commissioners, stating in plain terms that the provisions of the contract have been complied with and the amount of money to which the party is entitled, whereupon the County Auditor shall draw his warrant on the County Treasurer in favor of such party, and said warrant shall be paid, in cash, from the Road Fund belonging to the district in which such roads or highways are located.

What roads declared public highways.

SEC. 6. All roads and highways in the county of Placer, which have been declared such by the Court of Sessions or the Board of Supervisors, and such as may hereafter be laid out under the provisions of this act, are hereby declared public highways.

Commissioners to have general care of public roads and highways.

SEC. 7. The Board of Commissioners elected under the provisions of this act, shall have the general care of all public roads and bridges in their respective districts in said county; and it shall be their duty to cause to be kept open and in good repair all public roads and bridges in their respective districts in said county, and to contract conjointly with the Board or Boards of Commissioners of other road districts that may be joined with them for the purchase of toll-roads and toll-bridges in said coun-

ty, and to regulate the roads already laid out, to alter such of them as shall be deemed inconvenient, and to lay out new roads, as hereinafter provided in this act.

No roads laid out without consent, etc. of owner.

SEC. 8. No public or private road shall be laid out through any buildings or fixture of any kind, or through any inclosures or cultivated land, without the consent of the owner or owners thereof, except due compensation shall be made such owner or owners, as hereinafter provided.

Persons liable to be assessed may petition Board, etc.

SEC. 9. Every person liable to be assessed for a road tax in said county may petition the Board of Commissioners of the district of which he is a resident, to alter, discontinue, or lay out, any new road in said district. Every such application shall be in writing, addressed to the Board of Commissioners, and signed by at least five persons who are tax-payers and residents of said district, and shall state the point of beginning, the course, and terminus, of the proposed road, with particularity; also, the character and conditions of the land, with the names of owners, when known to them, over which the road will pass, and whether the land be improved or not.

On receiving such, Board to appoint Viewers.

SEC. 10. On receiving such application the Board may appoint three Viewers, who shall be tax payers of the county and disinterested in the proposed road, and who shall, on a day to be named by the Board and at least ten days after their appointment, assemble to view out and mark the line of the proposed road and to hear all reasons that may be offered for or against the laying out of the same; they shall, within a reasonable time, report to the Board of Commissioners, in writing, signed by at least two of them:

First—The feasibility of the proposed road.

Second—The necessity for such road.

Third—The probable cost of its construction.

Fourth—The amount of damage that will be sustained by any person or persons, severally, by reason of laying out the same, with a recommendation that the same be or be not laid out.

Provided, if the Viewers shall fail to comply with the law in any essential respect, the Board of Commissioners may set aside the report and order another view to be had, the same in all respects as though no view had been had; *provided*, further, that when a road is proposed to be laid out through two or more road districts, the Board of Commissioners in said districts shall act conjointly in appointing said Viewers and in laying out said road.

Board to cause notices to be posted.

SEC. 11. The Board of Commissioners shall cause three or more notices to be posted in the most public places in the vicinity of the proposed road, at least ten days prior to the time appointed for the meeting of the Viewers, stating the point of beginning, course, and terminus, of the proposed road; also, the names of the owners, when known, over whose lands the same will pass, and the day on which the Viewers will assemble to view and mark out the line of the same.

To notify owners of time and place of meeting.

SEC. 12. The Board shall notify the owners of the land, when known, over which it is proposed to construct said road, of the time and place of meeting of such Viewers, either personally or by having such notice served on them or left at their usual place of abode, or by letter placed in some post-office in the county,

directed to such person or persons, respectively, at the nearest post-office to his order, or their residence or residences.

Proceedings in case Viewers report in favor of, or refuse.

SEC. 13. In case the Viewers report against laying out the proposed road, the Board of Commissioners may refuse to lay out the same; but if they shall report in favor of laying out the road and the same does not pass through any inclosed, improved, or occupied, lands, they may, by an order to be filed with the County Clerk, lay out the same, if they shall deem it proper to do so.

If damages reasonable, same to be paid out of Road Fund.

SEC. 14. In case the Viewers report in favor of paying damages to any person or persons in consequence of laying out any road, and the Board of Commissioners, on the part of the district or districts in which such road is laid out, are satisfied that such damages are just and reasonable, and the party or parties claiming damages are willing to accept the same in full satisfaction of such damages, the Board shall order such damages to be paid out of the Road Fund belonging to said district or districts, in proportion to the amount of damages assessed in each district, respectively, taking of the party or parties a receipt in full for such damages, and proceed to declare the road a public highway, as provided in section thirteen of this act.

Persons dissatisfied with amount of damages, etc

SEC. 15. In case the Board of Commissioners on the part of the county, or the person or persons claiming damages, shall be dissatisfied with the amount of damages allowed by the Viewers, the Board shall appoint an arbitration, to consist of three persons, tax payers of the county, and disinterested in the proposed road, who shall, on a day to be named by the Board, go upon the ground and personally examine the line of the proposed road, and hear any witnesses that may be offered respecting the value of the land through which the road will pass, and the damages that will be sustained by any party or parties in consequence of laying out the same, and shall, within a reasonable time, report to the Board, in writing, the amount of damages that will be sustained from any party or parties, severally, which report shall be in writing, and signed by at least two of the said Arbitrators, and the damages so allowed shall be ordered paid by the Board of Commissioners, and shall be final in the premises.

Persons failing to present claim within certain time.

SEC. 16. In case any person or persons claiming damages, in consequence of the laying out of any highway through his, her, or their, lands, shall fail to present such claim to the Board of Commissioners, within thirty days after the time appointed for the meeting of the Viewers, they shall be forever barred from collecting such claim for damages, unless damages were reported by the Viewers, in favor of such person or persons, or their predecessors in interest, or unless it shall appear that such person or persons failed to receive notice of the action of the Board of Commissioners in the premises, or were under some legal disability to prevent such claims for damages; and no claim for damages shall be allowed in any case, unless presented within six months from the time of the meeting of the Viewers. In case any proposed road shall pass through any improved, occupied, or cultivated, land, and the party or parties owning the same, shall fail to present a claim for damages, or to give the right of way through such land, to the county, the Board shall

not declare such road a public highway until the expiration of the thirty days aforesaid.

Power to administer oaths, etc.

SEC. 17. Viewers of Highways and Arbitrators, appointed by the Board of Commissioners under the provisions of this act, for determining damages, shall have power to administer oaths to witnesses, that may come before them, in their capacity of Viewers and Arbitrators.

If Arbitrators report greater amount of damages than Viewers

SEC. 18. In case the Arbitrators shall report in favor of a greater amount of damages than allowed by the Viewers, the expenses of the Arbitrators, not exceeding three dollars per day each, shall be paid out of the Road Fund of said district or districts, but in all other cases they shall be paid by the party claiming damages.

Viewers, how paid.

SEC. 19. Viewers shall be paid out of the Road Fund in the district or districts in which such road or roads are located, not exceeding three dollars per day each, for each day's service actually rendered.

Damages, etc.

SEC. 20. In assessing damages Viewers and Arbitrators shall always take into consideration the advantage the proposed road will be to the party or parties claiming damages.

Form of petition.

SEC. 21. The petition for the discontinuance of a public or private road, and the proceedings under it, shall be the same as in cases of laying out new roads, up to the finding of the report of the Viewers, which shall be in favor or against the discontinuance of such road. In case the report be against the discontinuance of such road, the Board of Commissioners shall refuse to discontinue the same; but if the report be in favor of discontinuing the road, the Commissioners may, in their discretion, by an order to be filed with the County Clerk, discontinue such road.

Width of public highways.

SEC. 22. All public highways hereafter laid out, shall be of the width of sixty-five feet.

Duties of Commissioners.

SEC. 23. All duties enjoined upon the Board of Road Commissioners under this act, may be performed at the annual meeting of said Board, or at special meetings, which a majority of said Board or Boards may call at such times as they may deem necessary; and for all services rendered under the provisions of this act, they shall receive the sum of twenty-five dollars per annum, each, and said sum shall, in all cases, be paid out of the Road Fund of the district of which such Board are Commissioners.

Private roads, how laid out.

SEC. 24. Private roads may be laid out in the same manner as public roads, except the expenses of laying out the same; and the damages to be paid in consequence thereof, if any, shall be borne and paid by the parties petitioning for the same. The width of private roads shall not exceed forty feet. All private roads shall be opened and kept in repair by the parties for whose benefit the same were laid out, and such parties shall cause good and substantial gates to be erected and kept in repair, across said road, where it shall pass through any fence that may surround any inclosure through which such road may pass.

To be kept in good repair.

SEC. 25. The Board of Commissioners shall cause all public highways within their respective districts to be kept in good repair, causing banks to be graded, obstructions to be removed, causeways to be made, where the same may be necessary, bridges to be constructed and to be kept in good repair, and to renew

them when destroyed. And persons contracting, or employed to keep such roads and bridges in repair, shall have the right to make use of any gravel or dirt for improving the roads, which may be absolutely necessary, from any adjacent unimproved lands; and if damages be claimed, they may be ascertained and awarded in the same manner as is provided in this act, for ascertaining and awarding damages in laying out new roads.

To levy an annual road tax.

SEC. 26. The Board of Supervisors of the county of Placer, are hereby empowered to levy an annual road tax on all able-bodied men, between the ages of twenty-one and fifty years, not to exceed the sum of two dollars, to each male inhabitant between the ages aforesaid; and it is hereby especially provided, that the tax required to be paid in this section, shall be paid exclusively in money.

Blank road tax receipts.

SEC. 27. The Board of Supervisors shall cause blank road tax receipts to be issued, numbered and signed by the President of the Board, and countersigned by the Clerk thereof. Said receipts, when so prepared, shall be delivered to the Treasurer of said county, and his receipt taken therefor, and filed by the Clerk of the Board of Supervisors in his office. The Treasurer shall deliver such numbers of said road tax receipts to the Collector or Collectors, from time to time, as may be required, and the Treasurer and Collector or Collectors, shall account for the same as for so much cash.

Collector issuing receipts improperly, etc guilty of misdemeanor.

SEC. 28. If any Collector shall sell any road tax receipts, without being signed, dated, and filled up, with ink, or which shall not have been issued by the Board of Supervisors, or shall neglect or refuse to perform any of the duties imposed upon him by this act, he shall, in addition to his liability therefor, on his official bond, be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine, not exceeding five hundred dollars, or by imprisonment in the county jail, not exceeding six months, or by both such fine and imprisonment.

Obstructing roads, etc.

SEC. 29. If any person shall obstruct any public road, by felling any tree across the same, or by placing any other obstruction therein, or damaging, digging, or deepening, a creek, or river, or its banks, so as to destroy a ford or crossing, or shall willfully destroy any bridge or causeway, or remove or cause to be removed, any of the plank or timber therefrom, or cut down or injure any tree planted or growing as a shade-tree in any public highway, such person or persons shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than twenty dollars, and not exceeding five hundred dollars, in the discretion of the Magistrate.

Fines to be paid into county treasury.

SEC. 30. All fines collected under the provisions of this act shall be paid into the county treasury for the use of the road district in which the same was collected, and shall be subject to the order and control of the Board of Commissioners of such district.

Power to levy property tax for road purposes.

SEC. 31. The Board of Supervisors of Placer County shall have power to levy a property tax for road purposes, which shall not exceed five cents on each one hundred dollars, to be levied and collected at the same time and in the same manner as other property taxes are collected; *provided*, that all moneys collected under the provisions of this section shall be paid into the county

treasury and subject to the order of the Board of Commissioners, for the sole use of the particular district in which such moneys have been collected.

To take effect.

SEC. 32. This act shall be in force on and after the first day of December, A. D. one thousand eight hundred and sixty.

Vacancy in Board, how filled.

SEC. 33. In case a vacancy shall occur in any of the Boards of Road Commissioners in said county, the Board of Supervisors shall appoint some competent person or persons to fill such vacancy for the balance of the unexpired term and until his or their successor or successors are elected and qualified, and such person or persons so appointed shall in all cases comply with the provisions of this act.

Repealing clause.

SEC. 34. All acts and parts of acts, in conflict with the provisions of this act, are hereby repealed, so far as the same relate to the county of Placer.

CHAP. CCCLXIX.—*An Act to provide Revenue for the Support of the Government of this State.*

[Approved April 30, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

ANNUAL TAX LEVIED.

Annual tax to be levied

SECTION 1. An annual *ad valorem* tax of sixty cents upon each one hundred dollars' value of taxable property is hereby levied and directed to be collected and paid, for State purposes, upon the assessed value of all property in this State not by this act exempt from taxation; and upon the same property the Board of Supervisors of each county is also hereby authorized and empowered, annually, to levy and collect a tax for county expenditures, not exceeding sixty cents on each one hundred dollars; and upon the same property the Board of Supervisors of each county is also hereby authorized and empowered, annually, to levy and collect such additional and special taxes as the laws of this State may authorize or require them to levy and collect; *provided*, however, that whenever the Board of Supervisors levy any tax they shall cause such levy to be entered on the record of their proceedings, and shall direct their Clerk to deliver a certified copy thereof to the Auditor, and each Assessor, and Collector of the county, each of whom shall file said copy in his office. All taxes levied under the provisions of this act shall be paid in the legal coin of the United States, or in foreign coin at the value fixed for such coin by the laws of the United States; *provided*, however, that county taxes levied in accordance with the provisions of any special act may be collected in such funds as in such special act may be provided.

Property defined.

SEC. 2. All property in this State shall be taxed as real or personal property. The term "real property," as used in this act, shall include lands and all unmovable property thereon. The

term "personal property," as used in this act, shall include all property except real property, as hereinabove defined. All property in this State shall be subject to taxation, except—

First—Property belonging to this State, to any municipal corporation, county, city, town, or village, of this State, or to the United States, and the property of the California Bible Society, and all property now exempt from taxation or which may be hereafter exempted by the laws of this State.

Second—Colleges, school-houses, public libraries, and other public buildings, for the purposes of education, with their furnitures, libraries, and all other equipments, and the lots or lands thereto appurtenant, and used therewith, so long as the same shall be used for that purpose, unless the same are private property, from which a rent or valuable consideration for their use is derived, in which latter case, they shall be taxed as other property.

Third—Public hospitals, asylums, poor-houses, and other charitable or benevolent institutions for the relief of the indigent or afflicted, and the lots of lands thereto appurtenant, with all their furniture and equipments, so long as the same shall be used for that purpose only, and without pecuniary gain.

Fourth—Churches, chapels, and other buildings for religious worship, with their furniture and equipments, and the lots of ground appurtenant thereto, and used therewith; *provided*, rent is not paid for such ground, so long as the same shall be used for that purpose only, without yielding rent.

Fifth—Cemeteries and grave-yards, set apart and used for interring the dead.

Sixth—The property of widows or orphan children, to the amount of one thousand dollars.

Seventh—Growing crops.

Eighth—Mining claims; *provided*, that all machinery used in mining claims, and all property and improvements appurtenant to, or upon, mining claims, which have an independent and separate value that can be estimated and taxed, without taxing such mining claims, shall be subject to taxation.

REVENUE DISTRICTS.

Revenue Districts.

SEC. 3. For the purposes of revenue, each county in this State is hereby divided into revenue districts, and each township now organized, or that hereafter may be organized in the several counties, shall constitute a revenue district, to be designated in the same manner as said township, or as the Board of Supervisors may direct; *provided*, that the Board of Supervisors of each county, except the county of Placer, shall have power, in their discretion, to consolidate two or more townships in the same revenue district, or to constitute the whole county one revenue district; and, *provided* further, that no county need be districted until immediately preceding such time as the terms of office of the present incumbent or any of those now elected to the offices of Assessors or Collectors, shall have expired.

DISTRICT ASSESSORS.

SEC. 4. From and after the expiration of the terms of office of the present incumbents and those now elected to the office of County Assessor, the said office of County Assessor of the several counties of this State shall be, and the same is hereby, abolished; and the office of District Assessor, in each of the revenue districts of this State, is hereby created. District Assessors.

SEC. 5. At the next general election, at which County Assessors would have been elected by the laws heretofore in existence, and at the general election every two years thereafter, there shall be elected, by the qualified electors in each revenue district, a District Assessor, who shall hold his office for the term of two years, from and after the first Monday in March next succeeding his election and until his successor is elected and qualified. Election of.

SEC. 6. Each District Assessor, before entering upon the duties of his office, shall execute to the people of the State of California a bond in the penal sum of three thousand dollars, or in a greater sum, if the Board of Supervisors shall require it, with two or more sufficient sureties, to be approved by the County Judge, conditional for the faithful performance of all the duties of his office required by law, and shall take the oath of office, which shall be indorsed upon his certificate of election or appointment. To give bond

SEC. 7. In case of vacancy in the office of District Assessor, or failure of any District Assessor to qualify, as required in this act, within thirty days after his election, the Board of Supervisors shall appoint some suitable person, a resident of the district, to fill such vacancy until the next general election. In case of vacancy, Board to appoint.

SEC. 8. Each District Assessor shall keep a daily account of the number of days he shall be actually employed in the discharge of his official duties, and shall present the same, after he shall have completed his official duties for the year, to the Board of Supervisors, at the time they meet, as a Board of Equalization; and, for the purpose of auditing such account, the Board shall act as a Board of Supervisors, which account shall be verified before the Clerk of the Board; and the Assessor shall be required to answer all questions, under oath, which may be propounded by the District Attorney or Board of Supervisors; and it shall be the duty of the Board to allow such Assessor a just and reasonable compensation for his services, not exceeding the sum of seven dollars per day; but, in case it shall appear to the satisfaction of the Board, from such examination of the Assessor and an inspection of the assessment roll and other official acts, that he has been negligent in the discharge of his duties, or has made an excessive or improper charge against the county, to reduce his account to whatever amount they may deem just; or they may refuse to allow him any compensation whatever. To keep account of days employed.

MATTERS REPORTED FOR GENERAL INFORMATION.

SEC. 9. It shall be the duty of each District Assessor, at the time he delivers to the Clerk of the Board of Equalization his assessment roll, to deliver, also, a written report to the said Clerk of the following matters within his district: To report upon certain matters.

First—The number of acres of agricultural and grazing land.

Second—An estimate of the number of horses, mules, jacks, jennies, cattle, sheep, and swine.

Third—The aggregate quantity of wheat, rye, maize, potatoes, grapes, and other agricultural products, of the preceding year.

Fourth—An estimate of the quantity of mineral lands, and quality and value of each mineral produced during the preceding year.

Fifth—He shall also report any other matter that may be required by the annual circular of the Surveyor-General; and for such report he shall be allowed the sum of ten dollars, and a greater sum if the Board of Supervisors shall so direct; and, until the delivery of such report, no allowance whatever shall be made him for any service as District Assessor.

To furnish copies of circular-letter.

SEC. 10. On or before the first of March of each year, the Surveyor-General shall furnish to the Clerk of the Board of Supervisors of each county a sufficient number of copies of the circular-letter, provided for by section ten of the "Act concerning the Office of Surveyor-General," passed April seventeen, one thousand eight hundred and fifty, for the use of the District Assessors of the county; and said Clerk shall deliver the same to each Assessor on or before the second Monday of March of each year; and said Clerk shall consolidate said reports, and forward the same to the Surveyor-General on or before the first Monday of September of each year.

ASSESSMENT.

Duty of District Assessors.

SEC. 11. Between the second Monday of March and the first Monday of August in each year, each District Assessor shall ascertain, by diligent inquiry and examination, the names of all persons, corporations, associations, companies, or firms, owning, claiming, or having, the possession, charge, or control, of any real or personal property, not exempt from taxation, within the district, and the full cash value of the same, and he shall assess all such property to the persons, firm, corporation, association, or company, owning, claiming, having possession, charge, or control, of the same; and it shall be the duty of the Assessor to demand, in every case, from each person and firm, and from the President, Cashier, Treasurer, Secretary, or Managing Agent, of each corporation, association, or company, within his district, a statement, under oath, of all real and personal property within his district, owned, claimed, possessed, or controlled, by such person, firm, corporation, association, or company.

If persons refuse to give estimate, etc.

SEC. 12. If any such person, or agent, or officer, shall neglect or refuse, on demand of the Assessor, to give, under oath, the statement required by section thirteen of this act, the Assessor shall make an approximate estimate of the value of the taxable property which such person, agent, or officer, neglected or refused to render under oath; the value so fixed by the Assessor shall not be reduced by the Board of Equalization; and, if the owner or claimant of any property shall be absent or unknown, it shall be the duty of the Assessor to make an approximate estimate of the value of such property; *provided*, in assessing real property, when the fee is in the United States or in the State of

California, the value of the improvements only shall be estimated.

ASSESSMENT ROLL.

SEC. 13. The Auditor of each county shall, with the advice and assistance of the District Attorney, prepare an assessment roll, with the proper headings for the columns, in a well-bound book, for each Assessor of his county, and shall deliver the same to such Assessor on or before the second Monday of March in each year. The assessment roll shall be divided into columns, under the following heads: To prepare assessment roll.

First—The name of the taxable inhabitants in alphabetical order, if known; if unknown, that fact shall be stated; and if any person shall refuse to make a statement of his property, under oath, as required by this act, that fact shall also be noted under his name.

Second—All real property, described by metes and bounds, or by the common designation, or name, or numbers thereof, together with the locality in which the same is situated; and if the improvements only are assessed, that fact shall also be noted in this column, under the description of property.

Third—The cash value of real property.

Fourth—All personal property, describing it generally.

Fifth—The cash value of all personal property.

The pages of the book shall be numbered, and the book shall be entitled "The Assessment Roll for ——— District, of the county of ———;" and the form of the assessment roll may be substantially as follows:

ASSESSMENT ROLL OF ——— DISTRICT, IN THE COUNTY OF ———.

Form of.

Names of Taxable Inhabitants.	Real Property—Description of.	Cash Value of Real Property.	Personal Property—General Description of.	Cash Value of Personal Property.
		$		$

He shall also cause to be written or printed, in the back part of said book, an affidavit in the following words: "I do solemnly swear, that the property assessed to me in this book, on the page that is opposite to my name, is all the property I own, possess, claim, or which I have any interest in or claim to, in the ——— District, in the county of ———; and the value therein stated is the true cash value of the same, so help me God." And he shall, immediately following the oath, rule and mark off a sufficient space for the names of all the taxable inhabitants of the district, in columns, as follows:

First—Date of taking the oath.

Second—Name of the person making the oath, which name shall in all cases be written by the person who took the oath; or if such person is unable to write, he or she, shall make the usual mark, thus, ✕.

Third—The page on the assessment roll upon which the ant's property is listed.

The columns may be ruled and headed as follows:

Date of Oath.	Names.	Page on Assessment Roll.

The oath required in this section shall be administered by the Assessor, by reading it to the person making the same, and causing such person to subscribe the same as hereinabove provided.

Personal property.

SEC. 14. Under the column headed "Personal Property," in section thirteen of this act, the Assessor shall list all the movable property. For example—all the household and kitchen furniture; all law, medical, and miscellaneous, libraries; all goods, wares, and merchandise; all moveable chattels, of every kind and description; all money on hand, or on deposit in bank, or banks, or with individuals; all money at interest, secured by mortgage, or otherwise; solvent debts exceeding indebtedness, gold dust, horses, mules, oxen, cows, calves, beef cattle, hogs, sheep, goats, jacks and jennets, and cattle of every description; wagons, carriages, buggies, omnibuses, stages, stage-coaches, sulkies, carts, drays, and all other vehicles, whether for use or pleasure, or hire; all machines and machinery; all store-ships and hulks; all steamers, vessels, and water-crafts, of every kind and name, either owned in whole or in part, by a resident or residents of this State, or navigating the waters of any river or bay within the State, and having a general depot or terminus within the State; all capital loaned, invested, or employed, in any trade, commerce, or business, whatsoever; the capital stock of all corporations, companies, associations, firms, or individuals, doing business, or having an office in the State; the money, property, and effects, of every kind, except real property, of all banks, banking institutions, firms, bankers, money-lenders, and brokers, and all other property, of whatsoever kind or nature, not included in the term "real property." Said term is defined in this act.

Owners of certain stock shall not be individually assessed.

SEC. 15. The owner or holders of any stock in any private or incorporated company or firm, the entire capital of which is assessed, shall not be individually assessed for his stock in said company or firm. In case the property of any private company or corporation, is situated in more than one revenue dis-

trict, it shall be assessed in that district where the principal office or place of business of such company or corporation, is situated; *provided*, if the taxes on any property or any part thereof, have been paid in one district, the same shall not be again required in any other district, but the receipt of the Tax Collector of such district shall be received as payment to the amount thereof, in any other district where said property may have been assessed. Partners in business shall each be liable for the whole tax on the partnership property until such tax shall have been paid. The property of deceased persons shall be listed to the Executors or Administrators of the deceased.

To complete assessment roll within certain time.

SEC. 16. On or before the first Monday of August in each year, each Assessor shall complete his assessment roll, and make and subscribe, before the Clerk of the Board of Supervisors, the following affidavit, which shall be attached to his assessment roll: "I, A B, do solemnly swear that the foregoing is the true and correct assessment roll of my revenue district, in the county of ———; that I have diligently and faithfully performed all the duties required of me by law; that I have made diligent search for all taxable inhabitants, and in every case have demanded from each person and firm, and from the President, Cashier, Treasurer, Secretary, or Managing Agent, of each corporation, association, or company, within my district, when such person could be found, a statement, under oath, of the taxable property of such person or firm, corporation, association, or company, as required by law; and that I have impartially assessed the value of all property within my district, so help me God." And at the same time he shall deliver said assessment roll to the Clerk of the Board of Supervisors, who shall, from that time, keep the same open for inspection in his office until the meeting of the Board of Equalization.

Form of oath.

Liability of persons making false list, etc.

SEC. 17. If any person shall willfully make or give, under oath, a false list of his, her, or their, taxable property, or a false list of the taxable property under his, her, or their, control, such person shall be deemed guilty of perjury, and upon conviction thereof, shall be punished therefor as is by law provided for the punishment of perjury. If any person shall give to the District Assessor a false name, or shall refuse to give his or her name, or shall refuse to give a list of property, as is required by this act, or shall refuse to swear or affirm to such list, he or she shall be deemed guilty of a misdemeanor, and shall be arrested upon complaint of the District Assessor, and upon conviction before a Justice of the Peace, he or she shall be punished by a fine of not less than ten dollars, nor more than five hundred dollars, or by imprisonment for a term of not less than two days, nor more than three months, or by both such fine and imprisonment.

Of Assessor, if property not assessed, through neglect.

SEC. 18. The District Assessor and his sureties shall be, and they are hereby, made liable for the taxes on all taxable property within his district which is not assessed through his neglect; *provided*, however, that if it be proved that any failure to assess was caused by the refusal of the owner, agent, or claimant, of such property, or of the person or persons having it in possession, or under his, or their, control, or charge, to give a list of it to the District Assessor, the Assessor shall not be liable, but the

person or persons whose refusal to give the Assessor a list caused the omission, shall pay double the taxes imposed upon property regularly assessed; and, *provided* further, that the District Assessor may, at any time prior to the first Saturday in October, especially assess any property which shall not be on the regular list; and, if he make any such special assessment, he shall forthwith deliver the same to the Auditor, who shall forthwith prepare a duplicate thereof, in the same manner that he is required by section twenty-one of this act to prepare the duplicate assessment roll for each District Collector in his county, and shall be allowed a like compensation for the same, and he shall charge the Tax Collector with the amount of taxes due thereon, and shall report the same to the Controller of State, as required by section twenty-two of this act. All special assessments made under the provisions of this act shall be valid, and shall have the same force and effect as regular assessments made at the time herein provided.

Certain property exempt.

No property belonging to any person, which has arrived across the Plains in this State, after the first day of July in any year, shall be assessed in the same year, unless such property exceed one thousand dollars in value; and, in case it does exceed such sum, then only the excess above such sum shall be assessed to such person.

ASSESSMENT OF PROPERTY NOT IN DISTRICT.

Persons owning property outside of district, to give list under oath.

SEC. 19. At the same time and in the same manner as the other lists of property herein required are given, each and every person shall deliver, under oath, to the District Assessor, a similar list of all the real and personal property, which he, or the firm of which he is a member, or the corporation, association, or company, of which he is President, Cashier, Treasurer, Secretary, Trustee, or Managing Agent, owns, claims, or has charge, possession, or control of, in any other district or county in the State, which he does not, of his personal knowledge, know has been assessed in such other district or county for that year; which list shall particularly describe each tract of land, and each city or town lot contained therein, so that the same may be found and known by such description, and all vessels, steamers, or other water-crafts; and shall also specify each and all deposits, if any, of money or property, and persons with whom such deposit or deposits, are made, and the place or places, in which the same may be found, unless he shall have included all such money and gold dust in the list of property in his district, which it shall be lawful to do; the Auditor shall also furnish, upon the second Monday in March, in each year, to each District Assessor, a book, for the purpose of making the assessment required by this section, prepared in the same manner as is herein provided for, in assessing the property in the respective districts.

Assessor to transmit list of property not in district, etc.

SEC. 20. Every District Assessor, as soon as he shall have completed his assessments, or prior to that time, as he may deem proper, shall make out from the assessment roll delivered to him, as provided in section nineteen of this act, a distinct list for each district in which any such taxable property may be situated, and shall transmit the same by mail, or express, to the District Assessor of the proper district, who shall assess the same as other taxable

property therein, if it has not been before assessed for the same year; and if the address of the proper District Assessor be unknown, he shall transmit such list to the Clerk of the Board of Supervisors of the county in which the property is situated, who shall immediately transmit it to the District Assessor of the proper district.

BOARD OF EQUALIZATION.

SEC. 21. The Supervisors of the county shall constitute a Board of Equalization, of which Board the Clerk of the Board of Supervisors shall be Clerk. The Board of Equalization shall meet on the second Monday in August, and shall continue in session from time to time, until the business of equalization presented to them is disposed of; *provided*, however, that they shall not sit after the second Monday of September. The Board of Equalization shall have power to determine all complaints made in regard to the assessed value of any property, and may change and correct any valuation, either by adding thereto, or deducting therefrom, if they deem the sum fixed in the assessment roll too small, or too great, whether said sum was fixed by the owner or the Assessor, except as provided in section twelve of this act. During the session of the Board, the District Assessor of each district shall be present during the equalization of his assessment roll, and shall have liberty to make any statement touching questions before the Board; and the Recorder of the county shall also be present and attend on the Board of Equalization, with an abstract of all unsatisfied mortgages and liens remaining on record in his office, arranged in alphabetical order; and the Board of Equalization shall make use of such abstract and all other information they can gain from the records in the Recorder's office, or otherwise, in equalizing the assessment rolls of the county, and may require the Assessors to enter upon such assessment rolls, of their respective districts, any such mortgage, or liens, or other property, which has not been assessed; and the assessment and equalization so made, shall have the same force and effect as if made by the Assessor before the delivery of the assessment roll by him to the Clerk of the Board of Supervisors. A quorum of the Board of Supervisors shall be sufficient to constitute the Board of Equalization, and a majority of the members present shall determine the action of the Board. During the session of the Board of Equalization, its Clerk shall enter upon the assessment roll of each district, all changes and corrections made by the Board, and shall, on their adjournment, forthwith deliver the assessment rolls, so corrected, to the County Auditor, whose duty it shall be to add up the columns of valuation of each description of property on the assessment roll of each district, and on, or before, the third Monday of September, he shall deliver a true copy of the corrected assessment roll of each district, to be styled a "Duplicate Assessment Roll," with the State, county, and other taxes, and totals of taxes, to each person, carried out in separate money columns, with his certificate and seal thereto attached, to the Collector for whom the assessment roll was made.

Board of Equalization created.

Power of.

Duty of Clerk.

REPORT TO THE CONTROLLER.

Duty of Auditor.

SEC. 22. On delivering the duplicate assessment roll to each District Collector, the Auditor shall charge him with the full amount of taxes assessed in his district, and shall forthwith transmit, by mail, to the Controller of State, a statement of the total amount so charged in his county, together with the aggregate assessed value of the property upon which the same is due, which statement shall be verified by the oath of the Auditor, and entered by the Controller, in a book to be kept for that purpose.

TAX COLLECTOR.

Election of Collector.

SEC. 23. At the next general election for county officers, in the several counties of this State to which this act applies, and every two years thereafter, there shall be elected in each revenue district, a Tax Collector, who shall hold his office for the term of two years, and until his successor is elected and qualified; and who shall be Collector in his district of all property tax, poll tax, and license tax, of every description; and before entering upon the discharge of the duties of his office, he shall execute a bond to the people of the State of California, with two or more sureties, to be approved by the County Judge, in the penal sum of ten thousand dollars, or a greater sum if the Board of Supervisors shall require it, conditioned for the faithful performance of the duties of his office; and he shall take the oath of office required by law; and from and after the election and qualification of the Tax Collectors in the several districts in this State, the office of Tax Collector for the several counties of this State shall be, and the same is, hereby abolished. Each District Collector may appoint Deputies, if the business of his office shall require it, who shall take the oath of office, which shall be indorsed on their certificate of appointment and filed with the Recorder; and he may require of them such bonds as he may think proper, and he shall be liable on his official bond for the acts of his Deputies.

In case of vacancy, Board to fill.

SEC. 24. In case of a vacancy in the office of Tax Collector, or in case of failure of any Tax Collector to qualify within thirty days after his election, the Board of Supervisors of the county in which his district is situated, shall appoint some suitable person, a resident of the district, to fill such vacancy until the next general election.

Collector to accompany Assessor through district.

SEC. 25. The Tax Collector of each district is hereby authorized and required, when so directed by the Board of Supervisors, to accompany in person the District Assessor through the revenue district, and upon the entry of any assessment of personal property to any person, firm, corporation, association, or company, who does not own real estate within the district or county, to demand the payment of the taxes on the same; and if any such person, firm, corporation, association, or company, shall neglect or refuse to pay such taxes, the Collector shall seize sufficient of the personal property of the party so neglecting or refusing to pay, to satisfy the taxes and costs, and shall post a notice of such seizure, with a description of the property seized, and the time and place when and where it will be sold, in three

public places in the district where it is seized, and shall, at the expiration of five days, proceed to sell at public auction at the time and place mentioned in the notice, to the highest bidder, for cash, a sufficient quantity of said property to pay the taxes and expenses incurred; and for this service the Collector shall be allowed from the delinquent party, a fee of three dollars, and the same mileage that the Sheriff would be allowed for traveling to a place to make a levy; and upon the payment of the purchase money, he shall deliver to the purchaser the property sold, together with a certificate of the sale, and of the amount of taxes or assessments and expenses thereon, for which the property was sold, whereupon the title to the property so sold shall vest absolutely in the purchaser. The Collector shall keep an accurate list of all taxes collected under the provisions of this section, together with the names of the parties from whom the same was collected, and on the first Monday of each month shall report the same to the Auditor, with the following affidavit attached thereto: "I, A B, Tax Collector of ——— District, of ——— County, do solemnly swear that the foregoing is a true and correct statement of all moneys and taxes collected by me on personal property during the preceding month, and that I have diligently and faithfully collected all taxes on personal property of all parties not owning real estate in my district, so far as the same has been assessed, to the best of my ability, so help me God." And the Auditor shall thereupon file the same in his office, and charge the Collector therewith. The Auditor shall then calculate the per centage due the Collector on the amount so collected, and also the amount which the Collector must pay into the treasury, and give the Collector a written abstract or statement of the same, and of the fund to which the same belongs, and the portion belonging to the State, and the portion belonging to the county. The Collector shall thereupon present such abstract to the Treasurer, and pay to him the amount required by the same. The Treasurer shall file said abstract as a voucher, in his office, and shall receipt to the Tax Collector for the amount of money received from him, and credit the State, county, and different funds, with the same. The Tax Collector shall then return the Treasurer's receipt to the Auditor, who shall credit him with the amount of such receipt and his per centage for collecting, which shall balance his account; and the Auditor, before delivering the duplicate assessment roll, required by this act, to the Collector, shall mark "Paid," opposite the name of each party whose taxes are so paid, and omit the same in adding up the amount due on the assessment roll.

Collector to make affidavit.

SEC. 26. The County Auditor, within one week after he shall have delivered to the District Collector of his county the duplicate assessment roll, as required in this act, shall post a notice at the court-house door of the county, and shall publish the same for two weeks in one newspaper in his county, and, also, for the same length of time in a Spanish newspaper, if there be one in that language published in the county; and in case there is no newspaper published in such county, then he shall cause such notice to be posted in at least three of the most public places in each revenue district of such county, which notice shall be substantially in the following form:

Auditor to post notice, etc. at court-house.

"NOTICE TO TAX PAYERS.

Form of notice.

The tax payers of the county of ——— are hereby notified that the duplicate assessment roll of each district within said county has been delivered to the Tax Collector, and that the State and county taxes are due and payable, and the laws in regard to their collection will be strictly enforced."

Which notice shall be signed by the Auditor.

Duty of Collector after receiving assessment roll.

SEC. 27. The Collector of each district, upon receiving the assessment roll from the County Auditor, shall proceed to collect the taxes in his district, and shall receive the taxes due on said assessment roll in his district; and for this purpose it shall be his duty, at the same time he is canvassing his district in collecting other taxes and licenses, as hereinafter provided, to receive the taxes due on his assessment roll from all persons who may choose to pay the same; but said Collector shall, on Friday and Saturday of each week, after he receives the roll, until the sales for delinquent taxes due on said assessment roll shall have been made, be at his office, in his district, with said assessment roll, during business hours, to receive the taxes due thereon.

SEC. 28. On the Saturday preceding the third Monday in November in each year the Collector shall, at the close of his official business for that day, enter upon the duplicate assessment roll of his district a statement that he has made a levy upon all the property assessed in said roll upon which the taxes have not been paid, for which statement no fees shall be charged; and thereafter he shall charge each and every person an addition of five per cent. upon the amount of all taxes to be paid by such person, which five per cent. shall be paid into the county treasury, one-half for the use of the State, and the other for the use of the county.

Delinquents to pay five per cent. addition.

SEC. 29. On the Saturday next preceding the third Monday of December in each year, the Collector shall have completed a list of all persons and property then owing any taxes in his district, which list shall be called "The Delinquent List," and shall be published as hereinafter provided; and after said list is completed and published, the Collector shall collect, in addition to the taxes and the five per cent. added thereto, fifty cents on each and every lot, piece, or tract, of land, separately assessed, and also on the assessment of personal property of each delinquent tax payer, twenty-five cents of which shall be paid to the county in full for the cost it may incur for printing the list, and the other twenty-five cents shall be retained by the Collector in full for all services in preparing the list.

Delinquent list.

Shall publish the same

SEC. 30. On or before the fourth Monday of December in each year, the Collector shall cause to be published the delinquent list required by this act, giving in said publication the name of the owner, when known, of all the real property, together with such a condensed description of the same that it may be easily known, and a similar condensed description of any real property assessed to unknown owners, and also the name of every party delinquent for any tax of personal property, and also, opposite each name or description, give the amount of taxes, including the costs hereinbefore provided, due from each delinquent person or property. The publication by this section re-

quired shall be made by one insertion, once a week, for three successive weeks, in some newspaper published in the county, and also in a Spanish newspaper for the same length of time, if there be one in that language published in the county, or in a supplement to such newspaper; but if there is no newspaper published in said county, then the publication shall be made by posting up a written or printed copy of the list in at least three conspicuous and public places in his district; and if the said publication be made in a newspaper or a supplement thereto, the same as it appears in said newspaper or supplement, shall be posted up on the door of the office of said Collector; said publication shall also designate the time and place of commencing the sale, which time shall not be less than twenty-one days, nor more than twenty-eight days, from the first appearance of the publication, and the place shall be in each district at the office of the Collector, which office shall be located in one of the most public places in the district; *provided*, all tax payers who shall pay the taxes assessed against them for the current year to the Collector of said district, on or before the second Monday of August thereof, shall be entitled to retain out of the amount due from them for taxes, three per cent. The publication required by this section may, in the discretion of the Board of Supervisors, be made by written notices, posted in three of the most public places in said districts, instead of by publication in a newspaper.

SEC. 31. At the time and place fixed for such sale, or on such subsequent day to which it may have been postponed, the Collector shall, between the hours of ten o'clock, A. M. and three o'clock, P. M. commence to sell the real property advertised, and upon which the taxes and costs have not been paid, commencing at the head of the list and continuing it alphabetically through, unless the sale is adjourned until another day; and power is hereby given to the Collector to postpone the day of commencing the sale, and to postpone the sale from day to day, after it has been commenced, if he deems the best interest of the State and county or of the tax payers, will be served by such postponement; *provided*, however, the whole sale of real property shall be completed within one week from the first day fixed as the day of sale. Property to be sold.

SEC. 32. The owner in possession or the possessor of any real property offered for sale for taxes due from him, may designate, in writing, to the Collector, prior to the commencement of the sale, what portion of the property he wishes to be sold, if any person is willing to take less than the whole; but, if the owner in possession or the possessor, does not so designate, then the Collector shall designate, and the person who will take the least quantity or smallest part, of the real property, or in case an undivided interest is assessed, then the smallest portion of said interest, and pay the taxes and costs due, including two dollars, which the Collector shall be entitled to receive for the duplicate certificate of sale, shall be declared to be the purchaser; *provided*, that where the taxes, for which any real property is to be offered for sale, amount to over five hundred dollars, the Tax Collector may sell the least portion of such property for which he can obtain a bid, of not less than five hundred dollars, and may Owner to designate what part to be sold.

continue to sell said property in parcels, receiving no bid for less than five hundred dollars, and the amount then due, and costs, and expense of sale, and he shall pay the taxes and costs thereon before four o'clock, P. M. the following day, or the property shall, on the next day before the regular list is commenced, be again put up and sold as though it never had been offered; and any person bidding off any property, not taking it, shall be excluded from again bidding on any property advertised in the delinquent list.

CERTIFICATE OF SALE.

SEC. 33. After receiving the taxes and costs for any property sold, the Collector shall, as soon as practicable, issue to the purchaser a certificate, in triplicate, substantially in the following form:

Form of Certificate.

"I, A B, Tax Collector of ——— District, of the county of ———, do hereby certify that I have this day sold for taxes, to C D, the following property, situated at ———, in ——— District, of the county of ———, to wit: [Here insert the description of property, as contained in the assessment roll, or if part only of the property so described is sold, then a description or designation of that part.] And I further certify that said property was assessed according to law, for the year ——, to [L M, or the company of ———, or the corporation of ———, or the firm of ———, or to a person unknown, as the case may be,] at the valuation of ——————— dollars; and that the amount of taxes due and unpaid thereon on the day of sale, including costs, and one dollar for the certificate, and fifty cents for filing the same, were ——— dollars, for which said property was sold, according to law, and the said sum was paid by the said C D.

Dated on this —— day of ———, A. D. 18—.

A B,
Tax Collector for ——— District, ——— County."

Collector to enter description of property to be sold into book.

SEC. 34. The Tax Collector, before delivering any certificate required by section thirty-three of this act, shall, in a book to be kept by him for the purpose, enter a description of the real property sold, which description shall correspond with the description of it given in the certificate, the date of the sale, the purchaser's name, and the total amount of purchase money paid; and he shall regularly number the descriptions on the margin of the book, commencing with number one, and shall put a corresponding number on the certificate. Said book shall be open to public inspection and examination, without fee, at all times during office hours when it is not in actual use; and said book shall be county property, and shall be transferred by the Collector to his successor in office; and he shall, also, file the duplicate certificate with the County Recorder of his county, within one week from the day of sale, which said Recorder shall carefully keep in his office, and for filing which he shall be entitled to receive from the Collector, the sum of fifty cents; and the Collector shall also file and preserve the triplicate certificate in his own office.

SEC. 35. At any time within six months after such sale, any

person interested in the property sold, may redeem from such sale, by paying to the purchaser or depositing with the Tax Collector, for his use, the amount stated in the certificate, together with fifty per cent. thereon; and said Tax Collector, upon such payment to him, or upon presentation to him of the receipt of the purchaser named in the certificate or his assigns, shall mark the word "Redeemed," and the date, and by whom redeemed, across the certificate on file in his office, and, also, in the margin of his book where the entry of the certificate is made, for which service he shall receive from the redemptioner the sum of one dollar; and he shall forthwith transmit the certificate marked "Redeemed," as above directed, to the County Recorder, who shall attach the same to, and file it with, the duplicate certificate in his office, for which he shall receive from the Collector the sum of fifty cents. Whenever any redemption money is paid to any Tax Collector, he shall credit on his book the person named in the tax certificate, with the same, and he shall pay it on demand to the said person or his assigns, reserving two and one-half per cent. for his services in making the entries and safely keeping the money, and he and his sureties shall be liable on his official bond for the same; and if such money is not demanded before the expiration of his term of office, he shall pay it to his successor in office.

Persons may redeem property so sold.

TAX DEED.

SEC. 36. In case the property is not redeemed, as provided in this act, the Tax Collector or his successor in office, after the expiration of six months from the day of sale, on demand of the purchaser or his assigns, shall make to said purchaser or his assigns, a deed of the property, which shall be substantially in the following form:

To deliver deed of property.

"Know all men by these presents, that whereas, on the —— day of ———, A. D. 18—, the following certificate was issued: [here insert a complete copy of the certificate issued to the purchaser] and, whereas, the facts recited in said certificate are true, and the six months allowed by law for redemption has expired, and no redemption has been made; [and in case the certificate has been assigned, here state that fact, and convey to the Assignee]. Now, therefore, I, the Tax Collector of said county and district, in consideration of the premises and by authority of law, do hereby grant, convey, and confirm, unto ——— ———, the property described in said certificate, to have, and to hold, to him and his heirs, forever.

Witness my hand and seal, this —— day of ———, A. D. 18—.

[L. S.] ——— ———,

Tax Collector of —— District of ——— County."

Form of.

Which deed may be acknowledged and recorded at the expense of the grantee, as other conveyances, and with like effect.

SEC. 37. The matters directed by this act to be substantially recited in the tax certificate, shall be deemed, and they are hereby declared to be, all the requisite essentials to the validity of sales made for taxes; and a deed made in conformity with this act, shall convey to the grantee all the right, title, interest, claim,

What deemed requisite essentials to validity of deed.

possession, and right of possession, legal, equitable, or otherwise, of each and every delinquent, except the right and title of the United States, or of the State of California, or of minor children, (who may redeem, as herein provided, within one year after coming to the age of majority); and such deed shall be *prima facie* evidence of the title in the grantee, except when the land is claimed by the United States or by this State; in which case said deed shall be *prima facie* evidence of the right of possession, and that all right, title, interest, claim, and possession, acquired by any individual, corporation, or body politic, has been subrogated to the grantee, and such deed shall be conclusive proof of title, and shall only be impeached in the following manner, to-wit: by showing—

First—That the property was not assessed.

Second—That the taxes were not levied according to law.

Third—That the taxes were paid.

Fourth—That at the proper time and place, the property was not sold at public auction by a proper officer, or by a person *de facto* such officer.

Fifth—That the person who executed the deed was not the proper officer or *de facto* such officer.

Perpetuating testimony.

SEC. 38. For the purpose of perpetuating testimony in regard to sales for taxes, it shall be the duty of the Collector, and he is hereby required, as soon as he has made publication of the delinquent list as required by this act, to appear before the County Auditor, with two copies of publication made by him, and to state that they are true copies of his publication; and if the publication was made in a newspaper or a supplement to a newspaper, he shall state the name of the newspaper, its place of publication, the date the delinquent list first appeared in such newspaper or supplement, and the date of each of its subsequent appearances; and in case the publication was not made in a newspaper or supplement, he shall state the names of three conspicuous and public places in his district where the said notice was put up; all of which statements shall be written, and subscribed, and sworn, to, by the Collector, and shall be attached one to each copy of the publication, and one shall be filed by the County Auditor in his office, and the other shall be filed with the County Recorder.

SALE OF PERSONAL PROPERTY.

Collector may seize and sell delinquent's property.

SEC. 39. On the day designated in the publication made according to the provisions of this act, or at any time thereafter, the Tax Collector shall seize and take into his possession, any personal property that he can find, belonging to any person delinquent for taxes on any property, whether real or personal property, and he shall sell as much of the property so seized as may be sufficient to pay the taxes and costs, upon giving one hour's verbal notice; and for seizing and selling such personal property, the Tax Collector shall be allowed, in each case, in addition to the fees heretofore provided for, a fee of three dollars, and the same mileage the Sheriff would be entitled to receive traveling to a place to make a levy, to be recovered from the delinquent party; and the real property of any person delinquent

for taxes on personal property, shall be liable for said taxes so delinquent, and may be levied on and sold by the Tax Collector therefor.

SEC. 40. It is hereby made the duty of every Probate Judge, from time to time, to direct each and every Executor and Administrator, (which direction may be specially given in each case or by general order,) to pay out of the funds of the estate all taxes that have been attached to, or accrued against, such estate, after the passage of this act; and no order or decree for the distribution of any property of any decedent among the heirs or devisees shall be made until all taxes which have attached to, or accrued against, the estate, shall have been paid.

Judge to order taxes due to be paid out of estate.

SEC. 41. Whenever any tax is paid to the Collector, he shall mark the word "paid" in the assessment roll, opposite the name of the person or the description of the property liable for such tax, and shall give a receipt therefor, specifying the amount of the assessment, the amount of the tax, and a description of the property assessed; but no Collector shall receive any tax on real property for any portion less than the least subdivision entered on the assessment roll; *provided*, that an owner of undivided real property may pay the proportion of taxes due on his interest therein.

Duty of Collector after tax is paid.

SEC. 42. The Collector, on the first Monday of each month, shall appear before the Auditor and make a statement, under oath, of the gross amount of all moneys collected by him, for the use of the State and county, on real and personal property, during the preceding month; and the Auditor shall thereupon calculate the per centage due the Collector on the gross amount collected, and apportion the balance between the State and county, and shall give the Collector a statement, in writing, of—

To make statement under oath.

First—The amount due him for collection.

Second—The amount belonging to the State.

Third—The amount belonging to the county.

Fourth—The amount belonging to the respective funds of the county.

The Collector shall take such statement to the Treasurer, and pay him the amount required thereby; the Treasurer shall make the proper entries in his books, and receipt to the Collector for the amount paid in, and the amount distributed to the State, the county, and the respective funds of the county. The Collector shall present said receipt to the Auditor, who shall credit him with his per centage and the amount paid the Treasurer, and charge the Treasurer with the money received by him. If any Tax Collector shall refuse or neglect to make the payments and settlements with the Auditor and Treasurer of his county, as specified in this act, or within two days of the time specified in this act, no per centage, fees, or compensation, shall be allowed him for any services rendered by him as Tax Collector, from the time of his last settlement; and he shall be required to pay into the treasury the gross amount of all moneys collected by him subsequent to his last settlement; and he, and his sureties, shall be held liable to pay the full amount of the taxes charged on the assessment roll. It shall be the duty of the Auditor to forthwith notify the District Attorney of such failure or refusal; and it shall be the duty of the District Attorney, of his

Further duties of officers.

own volition, or on being instructed so to do by the Controller of State, or by the Board of Supervisors, or the County Auditor, to institute suit against such Collector and his sureties, for the full amount charged against him on the Auditor's books; and when any such suits shall have been commenced, no credit or allowance whatever shall be made to any such Tax Collector who has refused or neglected to comply with the provisions of this section for the delinquent taxes outstanding in his district; and any Auditor who shall fail or refuse to notify the District Attorney, as in this section provided, within two days after the failure or refusal of any Tax Collector, shall also be liable, on his official bond, for the gross amount charged against such Collector on the Auditor's books.

To make list of taxes unpaid.

SEC. 43. If any property on which taxes are unpaid shall remain unsold, after having been offered by the Collector, as provided for in this act, it shall be the duty of the Collector to make a list thereof and append his affidavit thereto, stating that the property was assessed, giving, if known, the name of the party to whom it was assessed; that taxes were levied on it by law; that these taxes had not been paid; that publication of the intention to sell for taxes was made as provided by law; that the property was offered for sale in pursuance of such notice; that the property was not sold for want of a purchaser, and that the taxes still remain unpaid—which said list and accompanying affidavit the Collector shall record in his book, required to be kept by him, according to this act. Immediately after recording the description of the real property sold, and after recording the list provided for in this section, he shall deliver said list and certificate to the County Auditor, who shall credit the amount of such unpaid taxes to the Tax Collector.

Collector to attend annually at office of Auditor with duplicate assessment roll, etc.

SEC. 44. The Tax Collector of each district shall, annually, on the first Monday of February of each year, attend at the office of the County Auditor, with the duplicate assessment roll of his district which he had used in the collection of the taxes of the current year, and a list taken therefrom of all delinquent persons and property within his district, in which list he shall have set down, in alphabetical order, so far as any person or property is then delinquent, all the matters and things in regard to each such delinquent person or property in said duplicate assessment roll; and the Auditor shall then carefully compare said lists with the assessments to persons or property not marked "paid" on the said duplicate assessment roll; and, if found to tally therewith, he shall administer to the Collector the following oath, which shall be written and subscribed to in said assessment roll, which said roll shall be filed and remain in the Auditor's office: "I, —— ———, Collector for ——— District, in the county of ———, do solemnly swear, that each and every person and all property assessed in this assessment roll, on which taxes have been paid, has the word 'paid' marked opposite the name of such person or the description of the property, and that I have fully complied with the provisions of this act in every case where I have been able to discover, in my district, any personal property of any person or persons delinquent for taxes; and that I have not, through fear, favor, or reward, or the hope or promise of reward, or for any consideration whatever, neglected, wher-

ever I have discovered any such property, to seize and take it into my possession, and sell the same, when found in my district, belonging to any person delinquent for taxes on any property, whether real or personal, as by this act I was required to do, so help me God." And the Auditor shall foot up the amount of taxes remaining unpaid, and credit the Collector with the same; *provided*, such Collector shall have made his regular monthly settlements as required by this act; and the Auditor shall then calculate the per centage due the Collector upon the amount of money collected and remaining in his hands, and shall deliver to the Collector a written statement or abstract of the amount of such per centage and the amount which the Collector must pay into the treasury, the amount due the State and the amount due the county, and to what fund the same belongs; and the Collector shall then forthwith present said statement to the Treasurer, and pay to him the amount reduired thereby; and the Treasurer shall file said statement in his office, and credit the State, county, and the various county funds, with the same, and receipt to the Collector for the amount so paid to him, which receipt shall contain the amount paid by the Collector, the amount credited by the Treasurer to the State, to the county, and to the respective funds of the county; and the Collector shall thereupon forthwith present said receipt to the Auditor, who shall credit him with the same, and also with the amount of his per centage, which shall balance the account of the Collector with the Auditor. In case any District Collector shall fail or refuse to make the settlement required by this section for the period of five days, from and after the first Monday of February of each year, he and his sureties shall be liable, on his official bond, for all taxes charged to him by the Auditor; and it shall be the duty of the Auditor forthwith to notify the District Attorney of such failure or refusal, and the District Attorney shall thereupon bring suit against such defaulting Collector and his sureties for the amount charged against him on the Auditor's books, and no credit shall be allowed him in such action for any unpaid taxes within his district; and, if any Auditor shall fail or refuse to notify the District Attorney, as required in this section, he and his sureties shall also be liable for the amount charged against such defaulting Collector on the Auditor's books. The County Auditor shall, on or before the first Monday in February in each year, transmit to the Controller of State, in such form as the Controller may require, a statement of all and each particular kind of property assessed, and a statement of all and each particular kind of property delinquent, and the whole amount of delinquent taxes.

Failure to make settlement.

District Attorney to bring suit.

SEC. 45. The County Auditor shall, on the Thursday next following the first Monday in each month, report, by mail or express, to the State Controller, the amount of money in the County treasury, belonging to the State; prior to making his report, he shall examine the books of the County Treasurer, and shall administer to the Treasurer an oath, declaring that the said books are correct, and that all money received by him, for, or on account of, the State, has been duly entered therein. The Controller shall forward to the Auditor blank forms for the account to be rendered, and for the oath to be taken under this section.

To make report.

Delinquent list.

SEC. 46. As soon as the Auditor is satisfied that the delinquent list returned to him by the Tax Collector is correct, and he has settled with the Tax Collector, he shall deliver it to the Clerk of the Board of Supervisors, who shall keep it in his office for public inspection until the Board of Equalization meets for the next succeeding year, when it shall be delivered to them, and the delinquent taxes therein shall be added by the Clerk of the Board to the succeeding assessment roll; *provided*, however, that the Board of Equalization may strike off all such delinquent taxes as they are satisfied cannot be collected, and such delinquent taxes may be added to the taxes of the succeeding year, for one or more years, as the Board of Equalization may determine.

MORTGAGES AND LIENS.

Before satisfaction entered, mortgagee to make oath.

Form of.

SEC. 47. The County Recorder of each county in this State, before he shall enter, or allow satisfaction to be entered, on any mortgage or lien of record in his office, or record any release of any mortgage or lien in his office, other than mortgages given to secure the purchase money of the property mortgaged, shall administer to the mortgagee, or person holding such mortgage or lien, or his, or her, Agent or Attorney, the following oath or affirmation, which shall be reduced to writing by the Recorder at the foot or in the margin of the record of such mortgage or lien, and subscribed by the party making the same: "I, A B, do solemnly swear, that all taxes for State and county purposes, assessed on the money or debt secured by this mortgage, (or lien, as the case may be,) have been paid;", for which affidavit the Recorder shall be allowed fifty cents; and if any person shall knowingly swear falsely in making the foregoing affidavit, he shall be deemed guilty of forgery, and punished accordingly. But if any County Recorder shall enter, or permit to be entered, satisfaction, without making an entry of such affidavit, he shall be liable on his official bond, to pay to the county the sum of five hundred dollars, which may be recovered by an action, which it shall be the duty of the District Attorney to prosecute; and he shall have for such prosecution, twenty-five per cent. on the amount recovered.

Before foreclosure of mortgage, similar affidavit to be made.

SEC. 48. Whenever any action shall be brought for the foreclosure of any mortgage or lien mentioned in section forty-seven of this act, a similar affidavit to that mentioned in said section shall be attached to the complaint in such action; and, in case the same shall not have been attached at the commencement of the said action, the court in which the suit is pending, on motion of the defendant therein, shall make an order staying all proceedings in such action, until such an affidavit shall have been filed or proof made of the payment of such taxes; and it shall be the duty of the court, before entering a decree or judgment in any such case, to require such affidavit or proof.

Delinquent taxes.

SEC. 49. If any person in possession of any real property, belonging to, or claimed by, another, shall pay any delinquent taxes levied on such real property, after the passage of this act, and due by the owner thereof, he may, and he is hereby authorized to, deduct from the rent that may accrue, or upon any damages that may be obtained for the detention and occupancy

of such real property, the amount of taxes so paid, together with the interest thereon, at the rate of five per cent. per month from the date of the payment, until the rent or damages have accrued.

SEC. 50. The Boards of Supervisors of each county shall, on or before the first Monday of March, unless otherwise provided by special act, annually assess the amount of taxes that shall be levied for county purposes, designating the number of cents which shall, on each one hundred dollars of taxable property, real or personal, be levied for such purpose, and shall add thereto the amount levied by law on such one hundred dollars of taxable property, real or personal, for either the State or county purposes; *provided*, that upon this act taking effect, the Board of Supervisors in each county, if the same amount has not been previously levied this year, shall levy the State tax fixed by this act. Board to assess taxes.

ARTICLE II.

LICENSES.

SEC. 51. There shall be levied and collected a quarter-yearly license tax, as follows: Quarterly tax.

First—From each proprietor or a keeper of a billiard table, not kept for the exclusive use of the owner or his family, for each table, six dollars per quarter; for a nine, or ten-pin, or bowling alley, six dollars for each alley; license to be granted for a term not less than three months, to be paid to the District Collector.

Second—From the manager or lessee of every theater, five dollars per day, if granted for a less term than one month; if granted for one month, one hundred dollars shall be paid; if granted for three months, two hundred dollars; if granted for one year, six hundred dollars; and for each exhibition of serenaders, or opera, or concert, singers, the same pay for license as is required for theatrical performances, to be paid to the District Collector.

Third—For each caravan or managerie, the exhibition for pay of bull and bear, or any collection of animals, for public amusement, twenty dollars for each exhibition; and for each show of any figures, and for each circus, rope, or wire dancing, or slight-of-hand exhibition, for reward, ten dollars per day, to be paid to the District Collector.

Fourth—From each and every insurance company, incorporated by laws of this State, and transacting an insurance business therein, twenty-five dollars per quarter year.

Fifth—From each and every insurer, or insurance company, foreign or otherwise, not chartered by this State, and transacting an insurance business therein or agent or agents thereof, one hundred dollars per quarter year.

SEC. 52. Licenses shall be obtained by the person, or persons, private association, or corporation, doing business in this State, engaged in one or all of the following occupations, to wit: In buying or selling foreign or inland bills of exchange, or in loaning moneys at interest, or in buying or selling notes, bonds, or other evidence of indebtedness, of private persons, or State, county, or city stocks, or stocks of incorporated companies, or in Business for which license may be obtained.

buying or selling gold dust, gold or silver bullion, gold or silver coin, keepers of savings banks, or engaged as common carriers in transmitting or carrying gold dust, gold or silver coin, or bullion, from any place in this State, to any place without this State, or from one to another place within the State, for profit, or engaged in receiving general or special deposits of gold dust, gold or silver coin, or bullion, for profit; *provided*, that checks used in the transaction of business between parties within this State, shall not be included as being liable to the provisions of this act.

Brokers.

SEC. 53. Brokers, such as deal in stocks, State, city, or county securities, and dealers in gold dust, shall be divided into five classes, as follows: Those doing business to the amount of two hundred and fifty thousand dollars, per quarter, and over, shall constitute the first class; those doing business to the amount of two hundred thousand dollars, and less than two hundred and fifty thousand dollars, per quarter, shall constitute the second class; those doing business to the amount of one hundred thousand dollars, and less than two hundred thousand dollars, per quarter, shall constitute the third class; those doing business to the amount of fifty thousand dollars, and less than one hundred thousand dollars, per quarter, shall constitute the fourth class; those doing business in any amount under fifty thousand dollars, per quarter, shall constitute the fifth class. The licenses shall be obtained from the District Collector, and shall be given, for the first class, upon the payment of one hundred dollars per quarter; for the second class, eighty dollars per quarter; for the third class, forty dollars per quarter; for the fourth class, twenty dollars per quarter; for the fifth class, fifteen dollars per quarter; said amounts to be paid to the Collector of taxes in each district in which the party applying therefor desires to, or does, transact any or all of the occupations specified in section fifty-two; and a separate license shall be obtained for each branch establishment, or separate house, of such business located in the same district.

Bankers and dealers in exchange.

SEC. 54. Bankers and dealers in exchange shall be divided into five classes, as follows: Those drawing bills of exchange or drafts to the amount of five hundred thousand dollars, or over, per month, shall constitute the first class; those drawing bills of exchange or drafts to the amount of three hundred thousand dollars, and less than five hundred thousand dollars, per month, shall constitute the second class; those drawing bills of exchange or drafts to the amount of two hundred thousand dollars, and less than three hundred thousand dollars, per month, shall constitute the third class; those drawing bills of exchange or drafts to the amount of one hundred thousand dollars, per month, and less than two hundred thousand dollars, per month, shall constitute the fourth class; those drawing bills of exchange or drafts in any amount less than one hundred thousand dollars, per month, shall constitute the fifth class. The license for the first class shall be given upon the payment of one hundred dollars per month; for the second class, upon the payment of sixty dollars per month; for the third class, upon the payment of forty dollars per month; for the fourth class, upon the payment of twenty dollars per month; for the fifth class, upon the payment of fifteen dollars per month. Each Tax Collector shall make

diligent inquiry and examine for all persons in his district liable for the payment of licenses as provided in this article; and the Collector is hereby empowered, and it shall be his duty, to require each person to state, under oath, the probable amount of business which he, or the firm of which he is a member, or for which he is an Agent, or Attorney; or association or corporation, of which he is President, Secretary, or Managing Agent, will do in the next succeeding three months; and thereupon such person, Agent, President, Secretary, or other officer, shall procure a license from the said Tax Collector, for three months, of the class for which such party is liable to pay; and in all cases where an under estimate has been made by the party applying, the party making such under estimate shall be required to pay a double license for the next quarter. Licenses shall be procured immediately before the commencement of any business or occupation liable to license under this article. Such license shall authorize the party obtaining the same, in his town, city, or particular locality in the district, to transact business as provided in such license; and every person or persons, who are required by the provisions of this article, to obtain licenses, who shall fail or refuse to take out such license, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five, nor more than one hundred, dollars. Upon the trial of any criminal action, provided for in this section, the defendant shall be deemed not to have procured any such license, unless he prove the contrary.

Same.

ARTICLE III.

SEC. 55. Every person who may deal in goods, wares, and merchandise, wines or distilled liquors, except the agricultural productions of this State, and except such as are sold by auctioneers or commission merchants, under license or commission, according to law, shall, quarterly, pay an amount of money for license, as required by the class in which such person is placed by the Auditor of the county, under the provisions of the succeeding section; *provided*, always, that nothing herein shall be construed to extend to physicians, surgeons, apothecaries, or chemists, as to any wines or spiritous liquors which they may use in the preparation or compounding of medicines for sick persons.

Dealers in goods, wares, etc.

SEC. 56. Every person who shall sell or vend any goods, wares, or merchandise, wines or distilled liquors, drugs or medicines, jewelry or wares of precious metals, and persons who keep horses or carriages for rent or hire, except mules, horses, or animals, used in transportation of goods, shall obtain from the District Collector of the district in which such business may be transacted, for any or all the branches of business herein enumerated, a license for the transaction of such business, at the following rates, to wit: All persons, dealing as aforesaid, shall be classed according to the amount of the average monthly sales or rents effected in the following manner, that is to say: those who are estimated to make average monthly sales to the amount of one hundred thousand dollars, or more, shall constitute the first class; of seventy-five thousand dollars, and less than one

Same.

hundred thousand dollars, shall constitute the second class; of fifty thousand dollars, and less than seventy-five thousand dollars, shall constitute the third class; of forty thousand dollars, and less than fifty thousand dollars, shall constitute the fourth class; of thirty thousand dollars, and less than forty thousand dollars, shall constitute the fifth class; of twenty thousand dollars, and less than thirty thousand dollars, shall constitute the sixth class; of ten thousand dollars, and less than twenty thousand dollars, shall constitute the seventh class; of five thousand dollars, and less than ten thousand dollars, shall constitute the

Same. eighth class; of one thousand dollars, and less than five thousand dollars, the ninth class; of all amounts under one thousand dollars, the tenth class. The licenses for the first class shall be given upon the payment of fifty dollars per month; for the second class, thirty-seven dollars and fifty cents per month; for the third class, twenty-five dollars per month; for the fourth class, twenty dollars per month; for the fifth class, fifteen dollars per month; for the sixth class, ten dollars per month; for the seventh class, seven dollars and fifty cents per month; for the eighth class, five dollars per month; for the ninth class, three dollars and seventy-five cents per month; for the tenth class, two dollars and fifty cents per month; *provided*, that the sale of liquors or wines, by persons licensed under this section, shall not be in less quantity than one quart measure. The moneys collected for licenses provided to be granted by this and the preceding section of this article, shall be paid into the county treasury, one-half for State purposes, and one-half for county purposes, except classes ninth and tenth, which shall be paid into the county treasury for county purposes alone.

Tavern or innkeepers. SEC. 57. All tavern or innkeepers, and all persons who may sell or dispose of any spiritous, malt, or fermented liquors, or wines, in less quantities than one quart, shall, before the transaction of any such business, take out a license or licenses, from the District Collector, as prescribed in this act, and make therefor the following payment, to-wit: Those making sales to the amount of ten thousand dollars, or more, as a monthly average, shall constitute the first class; sales to the extent of five thousand dollars, and not exceeding ten thousand dollars, as a monthly average, shall constitute the second class; and all sales less than five thousand dollars, shall constitute the third class; the licenses to be paid by the venders of the first class, shall be forty dollars per month; of the second class, shall be twenty dollars per month; of the third class, shall be ten dollars per month. The moneys collected for licenses, under the provisions of this section, shall be paid into the county treasury, for county purposes.

Traveling merchants, peddlers, etc SEC. 58. Each traveling merchant, hawker, or peddler, who shall carry a pack, and vend wares, goods, or merchandise, of any kind, shall pay for each license, ten dollars per month; and every such traveling merchant, hawker, or peddler, who shall use a wagon or two or more animals, for the purpose of vending any wares or merchandize, of any kind, or wines, or spiritous liquors, shall pay for each license or licenses, thirty dollars per month; *provided*, that nothing herein contained shall be so construed as to apply to the productions of this State when

vended by the producer thereof. All licenses, to be issued under the provisions of this act, may be taken for three months or for one year, as the party taking such license may elect; *provided*, further, that any hawker or peddler, before vending any goods, wares, or merchandise, in any of the counties of this State, under the provisions of this section, he or they shall procure a license from the County Auditor; and all money collected from such license shall be paid into the county treasury, one half for county and one-half for State purposes.

ARTICLE IV.

SEC. 59. Each male inhabitant of this State, over twenty-one years of age, and under sixty years of age, and not by law exempt from poll tax, shall pay a tax, for the use of State and county purposes, of two dollars; *provided*, the same is paid between the first day of March and the first Monday in August. Forty per cent. of the net proceeds of poll tax shall be paid into the county treasury, for county purposes; the remaining sixty per cent. of the net proceeds to be paid into the county treasury, for the use of the State; but if said poll tax is not paid prior to the first Monday in August, it shall be three dollars; and seventy-five cents of the extra dollar shall be paid into the county treasury, for the School Fund of the county; and twenty-five cents to be retained by the Collector, as fees, in addition to fifteen per cent. which is hereby allowed, on the first two dollars; and the collection of all poll tax shall be enforced by the Collector, whether the name of the inhabitant be listed or not. Each and every male Indian over twenty-one years of age, shall pay a poll tax of fifty cents; and the moneys arising from the poll tax upon Indians shall be paid into the treasury of the county where such Indians reside or such tax is collected, and shall constitute a fund, which shall be used and appropriated by the Board of Supervisors of the county, for the care, management, and protection, of infirm and indigent Indians, and for no other purpose whatever.

Who liable to pay poll tax.

SEC. 60. No person shall be deemed, or held, to have paid his poll tax, unless he be able to exhibit a receipt therefor, issued from the office of the Controller of State, or otherwise prove the payment of the same.

Poll tax receipt evidence.

SEC. 61. The Controller of State shall immediately after the passage of this act, for the present year, (and thereafter, before the first day of March, in each year,) cause proper blank receipts for poll taxes, to be printed by the State Printer, of a uniform appearance, changing the style thereof each year, and shall cause a number thereof, equal to the probable number of inhabitants in each county liable to a poll tax, to be immediately forwarded to the County Auditor of each county, who shall sign and number them or so many of them as may be required, and make an entry thereof in a book kept for that purpose; and thereupon, the Auditor shall, from time to time, deliver to each Tax Collector a sufficient number of such receipts for the use of his district, and take a receipt for the same.

Controller to cause proper receipts to be printed.

SEC. 62. No receipt for poll tax, other than those provided for in this act, shall be used or given for the payment of any

No other receipt to be used.

such tax; and any Tax Collector who shall receive any tax without delivering the proper receipt required by law, shall be deemed guilty of a misdemeanor for each unlawful receipt so delivered, and on conviction thereof, shall be punished by imprisonment in a county jail not less than three months, nor more than one year, and by fine not less than one hundred, nor more than one thousand dollars, for each offense.

SEC. 63. Upon receiving such receipts from the Auditor, the Tax Collector authorized to collect the poll tax shall give a receipt to said Auditor for the same, and the said Auditor shall immediately charge the same to the officers so receiving them. All such receipts delivered shall be filled out with the sum of two dollars, and two dollars shall be charged to him for each one so delivered; and all such receipts delivered to the Tax Collector after the first Monday of August, in each year, shall be filled out with the sum of three dollars, and three dollars shall be charged him for each one so delivered.

Collector to receipt to Auditor, etc.

ARTICLE V.

SEC. 64. No person, not being a citizen of the United States, or who shall not have declared his intention to become such, prior to the passage of this act, (California Indians excepted,) shall be allowed to take gold from the mines of this State or hold a mining claim therein, unless he shall have a license therefor as hereinafter provided.

Who not allowed to work in the mines without receipt.

SEC. 65. It shall be the duty of the Controller of State to procure a sufficient number of blank licenses, which shall be substantially in the following form, and numbered consecutively, and a record thereof be filed in his office.

Form of.

To be renewed upon expiration of term.	No..... .....District .....County .....18.. ..... Has paid four dollars Mining License, which entitles him to work in the mines one month.	FOREIGN MINER'S LICENSE. No..... ..... County, ... 18.. THIS CERTIFIES, that ..... has this day paid the Collector of ..... District, of this county, four dollars, which entitles him to work in the mines of this State one month from date. ..... Controller of State, ... Collector.	To be renewed upon expiration of term.

Every subsequent license after the first, shall be dated from the expiration of the former license issued by the Collector to any foreign miner who shall have been engaged in mining from the expiration of the former license.

SEC. 66. The Controller of State shall, with ink, fill the blank for the counties, which has been left in the printed form, and shall sign and issue to the Auditor of each mining county, from time to time, when required by the County Auditor, a sufficient

Controller to fill the blank for counties.

number of licenses for the use of such county, and take a receipt therefor, and charge the Auditor with the same; the amount to be paid for such licenses shall be at the rate of four dollars per month, and said licenses shall in no case be transferred.

SEC. 67. The Auditor shall, on the first Monday of each month, fill the blanks for the respective districts, and deliver to each Tax Collector of his county a sufficient number of the licenses provided for in this article for the use of his district for one month, and take his receipt therefor and charge him with the same. The Collector shall collect the license tax provided for in this article from all persons liable to pay the same, and may seize the property of any such person refusing to pay such tax, and sell the same at public auction, on one hour's notice by proclamation, and shall deliver the property to the purchaser, together with a bill of sale attached to a license, which shall transfer the title thereof to the person paying the highest price therefor; and, after deducting the tax and necessary expenses incurred by reason of such refusal and sale of property, the Collector shall return the surplus of the proceeds of the sale, if any, to the person or persons whose property was sold; *provided*, that should any person liable to pay such tax in any district of this State escape into any other district, with the intent to evade the payment of such tax, then, and in that event, it shall be lawful for the Collector to pursue such person, and enforce the payment of such tax in the same manner as if no such escape had been made. Any foreigner representing himself to be a citizen of the United States, shall in absence of his certificate to that effect, satisfy the Collector of the correctness of his statement by affidavit or otherwise, and for that purpose the Collector is empowered to administer such oath or affirmation. All foreigners residing in the mining districts of this State, shall be considered miners under the provisions of this act, unless they are directly engaged in some other lawful business avocation.

Auditor to fill blanks for districts.

SEC. 68. The Collector shall receive fifteen per cent. of all sums collected from foreign miners' licenses, and fifty per cent. of the net proceeds of all moneys collected under this article shall be paid into the county treasury for the use of the State; the remaining fifty per cent. of the net proceeds shall be paid into the treasury for the use of the county; *provided*, that in counties which shall not be districted, the Deputy or Deputies who shall make the collection, shall receive not less than fifteen per cent.; but in that case the Collector or Sheriff, as the case may be, shall receive three per cent.

Disposition of moneys.

SEC. 69. Any person charged with the collection of the tax provided to be collected by this act, who shall give any receipt other than the receipt prescribed in this act, or receive money for such license without giving the necessary receipt, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in a sum not exceeding one thousand dollars, and be imprisoned in the county jail not exceeding six months.

Persons collecting giving any other receipt than one prescribed, guilty of misdemeanor.

SEC. 70. Any Tax Collector who shall sell or cause to be sold, any foreign miners' licenses, with the date of the sale left blank, or which shall not be dated and signed, and blanks filled, with ink, by the Controller and the Tax Collector, and any person who shall make any alteration or cause the same to be made, in

Liability of Collector, etc.

any license, shall be deemed guilty of a felony, and, upon conviction, shall be fined in a sum not exceeding one thousand dollars and imprisonment in the State prison not exceeding three years; and the license so sold with blank date, or which shall not be signed and dated and blanks filled, with ink, as aforesaid, or which shall have been altered, shall be received in evidence in any court of competent jurisdiction.

Persons employing foreigners, liable for tax

SEC. 71. Any person or company hiring foreigners, or interested with them as partners, or renting, or on shares, or in any manner connected with any foreigner or foreigners, in working or in possession of any mining ground in this State, shall be held liable for the amount of license of each and every foreigner with whom such person or company is so connected or interested; all mining ground, worked or possessed, all improvements, all tools, and machinery, used in working such ground by said person or company, shall be subject to sale for the payment of said license tax, in the manner provided in section sixty-seven of this act. The Collector shall have power to require any person or company, believed to be indebted to, or to have money, gold dust, or property, of any kind, belonging to any foreigners, or in which any foreigner is interested, in his or their possession, or under his or their control, to answer, under oath, as to such indebtedness or the possession of such money, gold dust, or other property. In case a party is indebted, or has possession or control of any moneys, gold dust, or other property, as aforesaid, of such foreigner or foreigners, he may collect from such party the amount of such license, and may require the delivery of such money, gold dust, or other property, as aforesaid; and in all cases the receipt of the Collector to said party shall be a complete bar to any demand made against such party or his legal representative, for the amounts of money, gold dust, or property, embraced therein. Any person or company hiring foreigners to work in the mines of this State shall be liable for the amount of the licenses for each person so employed.

Licenses to be issued from Controller's office.

SEC. 72. All licenses mentioned in this act for State and county purposes (except where the entire amount received is paid into the county treasury for county purposes), all poll tax receipts, and all foreign miners' licenses, shall be issued from the Controller's office; and such foreign miners' licenses shall be numbered, consecutively, commencing with number one, on the second Monday of November of each year; and all such licenses for State and county purposes, and all foreign miners' licenses, and all poll tax receipts, shall be signed by the Controller of State or by a Deputy appointed by him especially for that purpose.

Controller to prepare certain forms of licenses.

SEC. 73. The Controller of State shall prepare printed forms of each class, kind, and description, of licenses, poll tax receipts, and foreign miners' licenses, where such forms are not herein specially provided for, upon such paper, and in such manner, as he shall think advisable; and he shall, from time to time, furnish such licenses and poll tax receipts to the Auditors of the several counties, when the same shall be required, and charge the Auditors therewith, and take a receipt for the same.

AUDITOR.

SEC. 74. There shall be elected in each county, at the next general election for county officers, and every two years thereafter, a County Auditor, who may also be *ex officio* County Recorder; and, after such election, no County Auditor shall perform the duties of County Clerk, but the office of Auditor and County Clerk shall be a separate and distinct office; *provided*, that in the counties of Napa, Mendocino, Solano, San Mateo, Yolo, Stanislaus, Trinity, Humboldt, Klamath, Del Norte, Contra Costa, Sutter, Los Angeles, San Bernardino, San Diego, Santa Barbara, San Luis Obispo, Tulare, Frezno, Buena Vista, Monterey, Santa Cruz, Marin, Calaveras, Amador, Plumas, Merced, Alameda, Siskiyou, and Shasta, the County Clerk shall be *ex officio* Auditor and County Recorder. The Auditor, in addition to his bond as Recorder, shall, within twenty days next after his election, execute two bonds as County Auditor to the people of the State of California, each in the sum of ten thousand dollars, one to be approved by the Governor and Controller of State, and filed in the office of the Controller; the other to be approved by the County Judge, and filed in the office of the County Clerk; which bonds shall be conditioned for the faithful performance of the duties of his office as County Auditor; and he shall take the oath of office as required by law; and he shall receive for his services as Auditor a stated quarterly salary, to be fixed by the Board of Supervisors of his county; *provided*, that in the counties of Calaveras, Yolo, Solano, Napa, Trinity, Humboldt, Mariposa, Tulare, Merced, Stanislaus, Buena Vista, Frezno, and Amador, the salary of the Auditor shall not be fixed at a less amount than the amount of fees and per centage now allowed to the Auditor, Recorder, and Clerk, on foreign miners' license, poll tax, merchants', traders', and other licenses.

Election of Auditor.

SEC. 75. The Auditor shall prepare printed forms (similar to those furnished by the Controller of State) for all licenses, the entire proceeds of which are paid into the county treasury; and each license so prepared by the Auditor, shall be signed by the Chairman of the Board of Supervisors, and charged by the Clerk of the Board to the Auditor, in a book kept for that purpose. The Auditor shall also charge himself with the same, and also with all licenses and poll tax receipts received from the Controller of State; *provided*, that in those counties where the Clerk of the Board of Supervisors is also the County Auditor, the President of the Board of Supervisors shall keep the book provided for in this section, and charge the Auditor with the licenses issued to him.

Auditor to prepare printed forms, etc.

SEC. 76. On the first Monday of each month, the Auditor shall furnish each District Collector of his county with a sufficient number of licenses and poll tax receipts for the use of his district for one month, and shall take the receipt of the Collector for the same, and charge the Collector therewith.

To furnish Collectors with same.

SEC. 77. Each Tax Collector shall require each and every person in his district, liable to pay licenses or poll taxes, to procure the same as herein provided; and for the purpose of obtaining information as to the liability of any person, company, or corporation, he may require any person from whom he has reason

Collectors t require pe sons to pro cure licens

to believe he can obtain information, to testify, under oath, as to such facts as he may require. He may, and it is hereby made his duty, to seize any personal property that he can find, of any person, company, or corporation, within his district, liable to pay any of the licenses or poll taxes mentioned in this act; and he shall sell a sufficient amount of the property so seized to the highest bidder, for cash, after one hour's verbal notice to pay such licenses or poll taxs, and costs; and on each sale the Collector may charge as costs the same amount that is allowed to the Sheriff for similar services, together with fifty per cent. of the amount of the licenses or poll taxes due. The Collector shall deliver the property so sold to the purchaser, together with a bill of sale, to which shall be attached the license for which the same was sold, marked "Paid;" and in case no such license is attached to the bill of sale, the sale shall be void, but the Collector shall be liable to the purchaser, on his official bond, for the amount of the purchase money, and two hundred per cent. thereon.

To make oath to amount of moneys collected.

SEC. 78. On the first Monday of each month, the District Collector shall appear before the Auditor, and state, under oath, the amount of money collected from all sources for State and county purposes during the preceding month. The Auditor shall then calculate the amount of the per centage due the Collector on the same, which shall be deducted from the gross sum collected; he shall then apportion the balance between the State and county, and he shall apportion that part belonging to the county to the different county funds, and the Auditor shall then furnish the Collector with a written statement of—

First—The gross amount collected.

Second—The amount of the Collector's per centage.

Third—The amount belonging to the State.

Fourth—The amount belonging to the county, separately stated.

Fifth—The amount belonging to each fund of the county, separately stated.

To present statement, etc. to Treasurer.

SEC. 79. The Collector shall present such statement to the Treasurer, and pay to him the amount required by the same; and the Treasurer shall receipt to him for the amount so paid, which receipt shall state the amount paid by the Collector, the amount placed to the credit of the State, the amount placed to the credit of the county, and the different funds among which the county money is distributed, and the amount placed to the credit of each fund. The Collector shall then present the Treasurer's receipt to the Auditor, and return all licenses and poll tax receipts not disposed of; and the Auditor shall then administer to him the oath or affirmation required by the next section of this act, and credit him with his per centage, the Treasurer's receipt, and the licenses and poll tax receipts returned.

To subscribe to following oath.

SEC. 80. The Collector shall, at each monthly settlement with the Auditor, make and subscribe the following oath:

"I do solemnly swear, that I have for the month preceding this settlement diligently and faithfully, to the best of my knowledge, performed the duties of Tax Collector, in and for ——— District, in the county of ———, and that I have not knowingly permitted any person or persons to escape from, avoid, or evade,

the payment of any taxes on real or personal property, or any foreign miners' license tax, or poll tax, or any license for State and county purposes; and that the sum of ——— dollars, this day paid over by me to the County Treasurer, is the just and true sum received by me for the preceding month, from all sources whatever, for State revenue and county revenue, less the fees allowed me by law for collecting the same; and that the foreign miners' licenses and poll tax receipts, and licenses for State and county purposes, and for county purposes alone, which I now surrender, are all that remain in my hands unsold; and that I have not myself, or any person for me, with my knowledge or permission, given, issued, or granted, to any person or persons, any other licenses or tax receipts beside those delivered to me by the County Auditor; that I have not, directly or indirectly, or by or through any person or persons, given, issued, or granted, to any person or persons any foreign miners' license, poll tax receipts, or State and county licenses, not furnished me by said Auditor; and that I have in no instance taken from any person or persons any sum of money, or any valuable thing whatever, or any obligation or promise of reward, for allowing such person or persons to evade the payment of their foreign miners' licenses, poll taxes, State and county licenses, or taxes on real or personal property, so help me God."

Which oath shall be filed in the Auditor's office.

Failing to make settlement, etc.

SEC. 81. If any Collector shall fail or refuse, for the period of five days, to make each and every settlement, as by this act required, he shall receive for his services no compensation or per centage for any license tax collected during the preceding month; and the Auditor shall forthwith notify the District Attorney, who shall immediately bring suit against said Collector on his official bond, for the whole amount charged against him on the Auditor's books, and no allowance whatever shall be made for any unsold licenses, or any taxes not collected in his district. And the Auditor shall also notify the Chairman of the Board of Supervisors, who shall call a meeting of the Board, and the Board may, in their discretion, remove such defaulting Collector from office.

Auditor to make quarterly report.

SEC. 82. The Auditor shall make a quarterly report to the Board of Supervisors, which shall contain the following matters:

First—The amount of money paid into the treasury from all sources, during the preceding quarter.

Second—The amount paid for taxes on real and personal property.

Third—The amount paid for licenses for State and county purposes.

Fourth—The amount paid for foreign miners' licenses.

Fifth—The amount paid for poll taxes.

Sixth—The amount of per centage allowed the Collector during the preceding quarter.

Seventh—The amount paid into the county treasury for State purposes.

Eighth—The amount for county purposes.

Ninth—The amount distributed for each county fund.

Tenth—The amount paid the Assessor.

Eleventh—The amount paid out warrants and orders by the Treasurer.

And when such report shall have been completed, it shall be signed and sworn to by the Auditor, and he shall deliver such report to the Clerk of the Board of Supervisors, and return to him all unsold licenses, which have been signed by the Chairman of the Board, and the Clerk of the Board shall credit him with the same; and if the licenses returned and those accounted for in the report, equal the amount charged to him by the Clerk of the Board, the Clerk shall issue to him a certificate of discharge therefor, and he shall be liable, on his official bond, for all licenses not returned or accounted for; *provided*, that in those counties where the Auditor is the Clerk of the Board of Supervisors he shall deliver such report to the Chairman of the Board of Supervisors, who shall thereupon perform the same duties required by this section to be performed by the Clerk of said Board.

To return all unsold licenses, etc.

SEC. 83. On or before the second Monday of December of each year, the Auditor shall return all unsold licenses and poll tax receipts to the Controller of State, and make a final settlement with him. The Controller shall credit the Auditor with the amount of licenses and poll tax receipts returned, and if they balance his account, he shall receive from the Controller a certificate of discharge, which he shall file in his office. In case of failure or refusal of the Auditor to make such settlement, at the time herein required, or in case of a deficiency in his accounts, the Controller of State shall cause suit to be commenced forthwith, upon his official bond, within ten days after the said second Monday in December in each year, or as soon thereafter as practicable; *provided*, that all unsold licenses and poll tax receipts may be returned to the Controller by mail. If so returned they shall be sent as registered mail matter.

If he fails, etc.

SEC. 84. If any Auditor shall fail or refuse, to make the quarterly report to the Board of Supervisors, as required by this act, no allowance shall be made him by the Board for any salary or compensation during the preceding quarter.

COUNTY TREASURER.

Treasurer to post up statement of receipts, etc.

SEC. 85. The first Monday in each month shall, for the purposes of this act, be deemed the commencement of the month; and, on the Saturday next preceding the first Monday of each month, each County Treasurer shall make out and post up in a conspicuous place in his office, a statement of the receipts and disbursements of the county treasury for the current month, terminating on the following Monday, which statement shall show—

First—The amount of outstanding registered warrants against each County Fund, separately stated, and the total amount of each outstanding warrant.

Second—The amount of cash on hand belonging to the State.

Third—The amount of cash on hand belonging to the county.

Fourth—The amount of cash in each County Fund, separately stated.

Fifth—Total amount of cash received during the current month from all sources.

Sixth—The amount received for county purposes.
Seventh—The amount received for State purposes.
Eighth—The amount paid the State.
Ninth—The total amount paid out of the county treasury for county purposes.
Tenth—The amount paid out of each County Fund, separately stated, which statement shall be signed by the County Treasurer, and all his Deputies, and dated.

Treasurer and Deputies to subscribe to affidavit.

SEC. 86. Each County Treasurer, and each of his Deputies, if any he have, shall, also, at the time of making the statement required by the preceding section of this act, make and append to the said statement the following affidavit, and subscribe and swear to the same before the County Clerk of the county, or one of his Deputies:

"I ——— ———, County Treasurer, and ——— ———, Deputy County Treasurer of the county of ———, do solemnly swear that the foregoing monthly statement of the receipts and disbursements of the county treasury of the county of ———, is true and correct, and that I have not knowingly, during the preceding month, registered any order out of its proper order of precedence or succession which was presented for payment and not paid for want of funds. That I have not refused to pay any county order or warrant on any particular fund when there was money in the said fund to pay the same. That I have not, directly or indirectly, bought or procured to be bought, for me, or for any person for my benefit, or for the benefit of any other person, any county order or warrant, or county indebtedness, whatever. That I have not paid or knowingly permitted to be paid, to any person or persons, any county order, or warrant, or indebtedness, of the county of ———, to the exclusion of any county order, or warrant, or indebtedness, that was registered prior thereto, unless the same was expressly authorized by law, or only after reserving in the fund on which the orders were drawn a sum sufficient to pay the said prior registered orders or warrants of indebtedness. I further solemnly swear, that I have not, directly or indirectly, used, or permitted to be used by others, any of the moneys in the treasury of ——— County, during the preceding month; and when I have deposited the same, it has been deposited as a special deposit, in a sealed package, and that I have paid no county order, or warrant, or indebtedness, in any manner but in gold and silver, in the office of the County Treasurer, and for the full amount of the same, so help me God."

Duplicate to be filed with Auditor.

SEC. 87. A duplicate of the said certificate, statement, and affidavit, in this act required, shall, on the day on which the original is made, be filed with the County Auditor, who shall carefully preserve the same in a book kept for that purpose.

Treasurer, etc. swearing falsely, guilty of perjury.

SEC. 88. Any County Treasurer, or any Deputy County Treasurer of any county in this State, who shall knowingly, willfully, or corruptly, swear falsely in any matter contained in the said affidavit and statement, shall be deemed guilty of perjury, and shall on conviction thereof, be punished accordingly.

SEC. 89. If any County Treasurer or either of his Deputies, shall fail or neglect to make, deliver, or post up in his office, on

If he or they fail to post up statement, etc.

the last Saturday preceding the first Monday of each month, the statement required in section eighty-five of this act, or to append to said statement the oath required in section eighty-six of this act, it shall be a good cause for removal from office; and the County Treasurer shall be proceeded against for said neglect or failure, and the Deputy or Deputies, shall be forthwith discharged from office.

Treasurer to keep moneys in his possession.

SEC. 90. Each County Treasurer shall keep all money received by virtue of his office, in his own possession, or on special deposit; and no person except the Treasurer or one of his sworn Deputies, shall receive or pay out any money in his office.

SEC. 91. The Treasurers of the respective counties shall at all times hold themselves in readiness to settle and pay all moneys in their hands whenever required so to do by an order signed by the Controller and Treasurer of State. The Treasurers of the counties of Amador, Alameda, Contra Costa, Calaveras, El Dorado, Nevada, Placer, Sierra, Solano, Yolo, San Francisco, Sacramento, San Joaquin, Santa Clara, Tuolumne, and Yuba, respectively, shall on the second Mondays of November, February, May, and August, of each year—and the County Treasurers of the other counties of this State, shall on the second Mondays of November and May, in each year, proceed to the State capital, and shall settle in full with the Controller, and pay over in cash to the Treasurer of State all funds which shall have come into their hands as County Treasurers, for the use and benefit of the State, taking therefor a receipt from the Treasurer of State, which receipt he shall forthwith file with the Controller; and any County Treasurer who shall fail, neglect, or refuse, to appear at the office of the Controller and Treasurer, on the days above specified, or within fifteen days thereafter, and then and there settle and make payment, as required by this act, shall forfeit all fees, per centage, and mileage, which would have otherwise been due him on said settlement; and the Controller is hereby authorized and required to withhold all such fees, per centage, and mileage, and require the same to be paid into the treasury for the use and benefit of the State. Before making any settlement each County Treasurer shall produce to the Controller of State the report from the County Auditor, together with a duplicate thereof, stating specifically the amount due the State from each particular source of revenue, the original of which shall be filed with the Controller of State, who shall enter upon the same, and also upon the duplicate, the cash paid to the Treasurer of State, and also the commission and mileage allowed to the County Treasurer of his payments. The County Treasurer shall file the duplicate report with the County Auditor of his county, whereupon the Auditor shall balance the Treasurer's account; and it shall be the duty of the Auditor to furnish the Treasurer with the report which such Treasurer is required to produce in making his settlements with the State.

Counties required to settle whenever required, etc.

Treasurer to make statement of all transactions had in licenses.

SEC. 92. And each County Treasurer shall at the same time produce to the Controller of State statements of all transactions had in foreign miners' licenses, State and county licenses, and poll tax receipts, since the last settlement, which statement shall be made by the County Auditor according to the forms which shall be furnished him by the Controller of State for that purpose.

And each County Treasurer shall at the same time produce to the Controller of State the certified statement of the County Auditor of the amount allowed and paid to the Assessors as prescribed by this act.

Whenever allowance made to Assessor, Clerk to certify.

SEC. 93. Whenever any allowance is made to any District Assessor, as in this act provided, the Clerk of the Board of Supervisors shall certify the account so allowed to the Auditor, who shall draw his warrant on the county treasury for that part of the same which the county is required to pay, which shall be in proportion to the amount of taxes levied for State and county purposes respectively; and the Auditor shall make a certified copy of the account, and indorse thereon the amount due from the State, and indorse on the account remaining in his office the same, and shall furnish such copy with the indorsements thereon to the County Treasurer, who shall pay out of the money belonging to the State the amount indorsed on such account to the Assessor, and take his receipt thereon; and the Treasurer on making his quarterly settlement, shall present, with the Auditor's report, such copy of account allowed by the Board to the Assessor, indorsed and receipted as herein provided, and the Controller shall allow him for the amount so paid.

Improperly using funds, etc. a misdemeanor.

SEC. 94. If any Collector, County Treasurer, or Assessor, shall either directly or indirectly, use, loan, employ, or in any manner place out of his possession, otherwise than as on special deposit, any funds belonging to, or collected by, or paid to, him, for the use and benefit of either the State or of any county, or of the city and county of San Francisco, or of the city and county of Sacramento, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be forthwith removed, and shall also be punished by a fine in any sum not exceeding five thousand dollars, or imprisonment in the county jail for any time not exceeding one year, or by both such fine and imprisonment. The Treasurer, the Tax Collector, the Assessor, the Auditor, the Clerk of the Board of Equalization, and each member of such Board, shall each separately perform the duties required of him in his office, and shall not perform the duties of any two offices under this act, except as provided by law; and any officer who shall at the same time perform the duties of any two offices in any manner connected with the public revenue, except in the manner expressly authorized by law, or any collecting or disbursing officer, who shall refuse or neglect the performance of the duties required by this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail not more than one year, or by a fine not less than two hundred nor more than one thousand dollars, or by both such fine and imprisonment, and shall be forthwith removed from office.

Books, etc. open for inspection.

SEC. 95. The books, papers, and accounts, of each officer, in regard to the assessment or collection of taxes, or to the receiving, auditing, or disbursing, moneys, collected for the use or benefit of the State, or of any county, or of the city and county of San Francisco, or of the city and county of Sacramento, shall at all times during the office hours, when not necessarily in use by the officers, be open for any person whomsoever to inspect or copy without any fee or charge.

Act construed.

SEC. 96. Nothing contained in this act shall be construed to abridge any power of taxation, nor to prohibit any city or town from levying and collecting general or special taxes, in accordance with the provisions of its charter or of any special act.

Officers willfully neglecting duties, etc.

SEC. 97. Whenever any Assessor, Collector, Auditor, Treasurer, or other officer, upon whom any duties devolve under this act, or under any other revenue act of this State, shall willfully neglect or refuse to perform any such duties, or shall perform them in a careless or incompetent manner, he shall be deemed guilty of a misdemeanor, and shall be removed from office in the manner prescribed by law; and when an issue of fact shall have been joined under any presentment made, or proceeding commenced, to remove such officer from office, the Board of Supervisors—and in case such officer be a Supervisor, the County Judge—shall have power to suspend such Assessor, Collector, Auditor, Treasurer, or other officer, from his powers and duties under this act and under any other revenue act, and to appoint a competent person in his place until the proper tribunal shall have either removed or acquitted such suspended officer; and any act on and about the revenue, or the assessment or collection of taxes, or sale of property for the non-payment of taxes, performed by any such temporary officer, shall be as valid and of the same force and effect as if performed by the susperded officer; *provided*, however, that such appointee shall first qualify and give such bond, with sureties, for the faithful performance of the duties of such office, as may be required of such persons elected thereto; and, if any Assessor or Collector shall resign or remove from his district, his office shall become vacant.

Fees.

SEC. 98. The Collector shall receive for each license for State and county purposes, issued by him, the sum of one dollar. He shall also receive, for the collection of all other taxes not herein specially provided for, the sum of five per cent. on the amount collected by him. The County Treasurer shall receive three per cent. on all moneys disbursed by him or paid into the State treasury; *provided*, he shall only receive per centage once on the same money, and that no per centage shall be allowed him for paying over the money in his hands to his successor in office.

Sheriff, ex officio Collector of taxes.

SEC. 99. In the counties of Mariposa, Merced, Del Norte, Tulare, Frezno, San Luis Obispo, Santa Cruz, Monterey, Tehama, Colusa, Sutter, Santa Clara, Alameda, Klamath, Los Angeles, Mendocino, Marin, Sonoma, Santa Barbara, Plumas, Stanislaus, Amador, Napa, San Diego, San Bernardino, Solano, Yolo, Trinity, Humboldt, Contra Costa, Calaveras, and San Joaquin, the Sheriff of each of said counties shall be *ex officio* Collector of taxes; *provided*, that in said counties the Sheriff, as Tax Collector, shall be governed in the performance of his duties as such by the provisions of this act; and, in case said counties or any of them, shall be districted for assessment or collection purposes, the Tax Collector of such county or counties so districted shall appoint a sufficient number of Deputy Collectors—one for each revenue district—who shall make the settlements, and perform the duties, and be subject to the penalties, imposed by this act upon District Collectors.

Act not to conflict, etc.

SEC. 100. The provisions of this act shall not conflict with the provisions of "An Act concerning the Officers of Calaveras

County, and Collection of Poll Taxes, License Taxes, and Foreign Miners' License Taxes, in said County," approved February twenty-sixth, one thousand eight hundred and fifty-nine.

SEC. 101. The provisions of this act shall not apply to the city and county of Francisco, but in the said city and county of San Francisco the revenue laws in force prior to, and at the time of, the passage of this act, shall remain in full force and effect. Not to apply to.

SEC. 102. All laws and parts of laws in conflict with the provisions of this act, are hereby repealed; *provided*, that the laws heretofore existing, may be enforced in those cases only where the provisions of this act are inapplicable, until the officers provided for in this act are elected and qualified; and until the delinquent tax list of the year one thousand eight hundred and sixty shall be disposed of by said officers according to the laws now in force; *provided* further, that this act shall not be construed so as to repeal or affect the laws heretofore or now in existence in regard to the taxation or collection of taxes on consigned goods; nor to repeal or affect the laws heretofore or now in force in regard to issuing or collecting licenses of Passenger Brokers; nor to repeal or affect the act entitled "An Act to provide Revenue for the Support of the Government of this State, from a Tax to be levied and collected from Foreign and Inland Bills, and other matters," passed April twenty-ninth, one thousand eight hundred and fifty-eight; and, *provided*, also, that the rate of State taxes, fixed by the first section of this act, shall be the same in each and all of the counties in this State. Repealing clause.

CHAP. CCCLXX.—*An Act making Appropriations for the Support of the Civil Government of this State for the Twelfth Fiscal Year, commencing on the first day of July,* A. D. *one thousand eight hundred and sixty, and ending on the thirtieth day of June,* A. D. *one thousand eight hundred and sixty-one, inclusive.*

[Approved April 30, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following sums of money are hereby appropriated out of any money in the treasury not otherwise appropriated, for the objects hereinafter expressed, for the support of the Civil Government of the State, for the Twelfth Fiscal Year, commencing on the first day of July, A. D. one thousand eight hundred and sixty, and ending on the thirtieth day of June, A. D. one thousand eight hundred and sixty-one, inclusive: Amount appropriated.

For the salary of the Governor, six thousand dollars. Salaries, etc.

For rent of Governor's office, nine hundred dollars.

For pay of Porter in office of Governor, six hundred dollars.

For contingent expenses of office of Governor, three hundred dollars.

For Special Contingent Fund of the Governor's office, to be drawn at his discretion, five thousand dollars.

Rewards, etc. To pay rewards which may be offered by the Governor, under the act of April twenty-ninth, one thousand eight hundred and fifty-one, a sum not exceeding five thousand dollars.

For salary of Secretary of State, three thousand five hundred ollars.

For pay of Clerks in the office of the Secretary of State, seven thousand two hundred dollars.

For postage for the office of Secretary of State, twelve hundred dollars.

For pay of Porter in the office of Secretary of State, three hundred dollars.

For contingent expenses of the office of Secretary of State, three hundred dollars.

For salary of Controller, three thousand five hundred dollars.

For salary of Clerks in the office of the Controller of State, nine thousand six hundred dollars.

For salary of Deputy Controller, twenty-four hundred dollars.

For pay of Porter in the Controller's office, three hundred dollars.

For expressage of the Controller's office, one thousand five hundred dollars.

For contingent expenses of the office of Controller of State, three hundred dollars.

For salary of Treasurer, three thousand five hundred dollars.

For salary of Clerks in the office of Treasurer of State, seven thousand two hundred dollars.

For pay of Watchman in the office of Treasurer of State, twenty-four hundred dollars.

For contingent expenses in office of Treasurer of State, three hundred dollars.

For salary of State Superintendent of Public Instruction, three thousand five hundred dollars.

For Clerk in the office of the Superintendent of Public Instruction, five hundred dollars.

For rent of the office of the Superintendent of Public Instruction, three hundred dollars.

For postage and expressage for the office of Superintendent of Public Instruction, six hundred dollars.

For stationery, lights, and fuel, for Superintendent of Public Instruction, two hundred dollars.

For salary of Surveyor-General, two thousand dollars.

For salary of Draughtsman in the office of Surveyor-General, two thousand four hundred dollars.

For rent of office of the Surveyor-General, seven hundred and twenty dollars.

For purchase of maps from United States Surveyor-General's office, five hundred dollars.

For copying maps from the United States Surveyor-General's office, two hundred and fifty dollars.

For pay of Porter in the Surveyor-General's office, three hundred dollars.

For purchase and repairs of instruments in the Surveyor-General's office, two hundred and twenty-five dollars.

For contingent expenses of office of Surveyor-General, three hundred dollars.

For salary of Quartermaster-General, two thousand dollars. Salaries, etc.

For rent of office of the Quartermaster-General and State Armory, five hundred dollars.

For contingent expenses of office of Quartermaster-General, two hundred dollars.

For three hundred copies of the Annual Reports of the Supreme Court, two thousand dollars.

For salary of Attorney-General, two thousand dollars.

For pay of Clerk in the office of Attorney General, one thousand dollars.

For pay of Porter in Attorney-Generals's office, one hundred and eighty dollars.

For contingent expenses of the office of Attorney-General, two hundred dollars.

For rent of office of Attorney-General, four hundred and eighty dollars.

For salary of the Governor as a member of the Board of Examiners, one thousand dollars.

For salary of the Secretary of State as a member of the Board of Examiners, one thousand dollars.

For salary of the Attorney-General as a member of the Board of Examiners, fifteen hundred dollars.

For salary of Clerk of the Board of Examiners, twelve hundred dollars.

For compensation of Experts for Board of Examiners, six hundred dollars.

For contingent expenses of the Board of Examiners, two hundred dollars.

For salary of Justices of the Supreme Court, twenty thousand dollars.

For pay of Bailiff of the Supreme Court, nine hundred dollars.

For pay of Porter of the Supreme Court, three hundred dollars.

For rent of Supreme Court rooms, two thousand dollars.

For salary of Secretary of the Supreme Court, eighteen hundred dollars.

For contingent expenses of Supreme Court, six hundred dollars.

For salary of District Judges, eighty-five thousand dollars.

For per diem and mileage of the Lieutenant-Governor and Senators, forty thousand dollars.

For pay of Officers and Clerks of the Senate, fifteen thousand dollars.

For per diem and mileage of members of the Assembly, ninety thousand dollars.

For pay of Officers and Clerks of the Assembly, twenty thousand dollars.

For contingent expenses of the Senate, five thousand dollars.

For contingent expenses of the Assembly, nine thousand dollars.

For stationery, blank books, lights, fuel, etc., for the Legislature and State officers, fifteen thousand dollars; said amount to be used for no other purpose by the Secretary of State, and no Clerk in any office shall receive his salary out of said fund.

Salaries, etc. For salary of Private Secretary of the Governor, two thousand dollars.

For printing, paper, and official advertisements, forty thousand dollars.

For the support of the State Insane Asylum, for the Insane, eighty-four thousand dollars.

For salary of Resident Physician of the Insane Asylum, five thousand dollars.

For salary of the Visiting Physician to the Insane Asylum, three thousand dollars.

For rent of State-house, seven thousand two hundred dollars.

For rent of State Library rooms, one thousand dollars.

For shelving and furniture of State Library rooms, three hundred dollars.

For pay of Porter for State Library rooms, six hundred dollars.

For contingent expenses of the State Library, three hundred dollars.

For marginal notes and index to laws, three hundred dollars.

For indexing journals of the Legislature, five hundred dollars.

For translation of the laws into the Spanish language, two thousand dollars.

For salary of Reporter of the Supreme Court, four thousand dollars.

For carrying out the provisions of the Stamp Act, five thousand five hundred dollars.

For the support of Common Schools in this State, the sum of thirty-two thousand nine hundred and fifty dollars and forty cents—one-half thereof to be distributed semi-annually, as provided by law for the distribution of school moneys, being the same amount due from the State to the School Fund for interest on the receipts from the sale of school lands.

For costs and expenses of suits where the State is a party, to be expended under the direction of the Attorney-General, three thousand dollars.

For salary of the Register of the State Land office, sixteen hundred dollars.

For salary of Clerks in the State Land office, two thousand four hundred dollars.

For contingent expenses of the State Land office, five hundred dollars.

For purchase of carpet and furniture for Supreme Court rooms, six hundred dollars, to be expended under the direction of the Justices of said court.

For transportation of prisoners to the State prison, twenty-five thousand dollars.

For salary of Treasurer as member of War Board of Examiners, twelve hundred dollars.

For salary of Controller as member of War Board of Examiners, twelve hundred dollars.

For pay of Clerk of the Board of War Bond Commissioners, nine hundred dollars.

For the support of the State prison, to be expended under the direction of the State Prison Directors, the sum of seventy-five thousand dollars.

For the purpose of aiding in the erection of the Washington Monument, in the District of Columbia, as provided by "An Act to aid in the erection of the Washington Monument, in the District of Columbia," approved March tenth, one thousand eight hundred and fifty-nine, one thousand dollars. For Washington Monument.

For prosecution of delinquents and for infractions of revenue laws, to be expended under the direction of the Controller of State, two thousand five hundred dollars.

SEC. 2. All stationery, blank books, lights, and fuel, required by the Supreme Court and State officers, resident at the State capital, shall be furnished by the Secretary of State, upon the order of the Judges or officers requiring the same. The Secretary of State shall furnish, under oath, to the Legislature a statement, at the time he makes his annual report, showing the cost of the articles furnished the Judges of the Supreme Court and State officers. The stationery, lights, and fuel, furnished by the Secretary of State shall be procured by him as now required by law for stationery, lights, fuel, etc. for the Legislature. Stationery, etc.

SEC. 3. The sum herein appropriated as a Contingent Fund of the Senate and Assembly shall be disbursed under the direction of the body to which it may respectively belong, and shall not, nor shall the sum appropriated to the State Insane Asylum, be subject to any of the provisions of an act entitled "An Act to create a Board of Examiners, to define their Powers and Duties, and to impose certain Duties upon the Controller and Treasurer," approved April twenty-first, one thousand eight hundred and fifty-eight. The Controller shall draw his warrants upon the Treasurer for the monthly expenses of the State Insane Asylum, upon the order of the Trustees of said asylum; *provided*, the same shall not exceed the sum appropriated by this act. Application of appropriation.

SEC. 4. The Controller of State shall not draw his warrant for the payment of any money out of the appropriation made by this act until the money for the same is in the State treasury, nor for the payment of any service done or debt accrued prior to the first day of July, A. D. one thousand eight hundred and sixty. Not to pay until there is money in treasury.

SEC. 5. No officer drawing money under the provisions of this act shall be permitted to contract any debts or liabilities beyond the amounts herein appropriated. Not to contract debts.

SEC. 6. The various State officers to whom contingent funds are herein appropriated shall, with their annual report, submit a detailed statement, under oath, of the manner in which the contingent funds of their respective offices have been expended; *provided*, that the Governor shall not be required to report as to his special contingent fund. To make report.

CHAP. CCCLXXI.—*An Act appropriating Money to pay the Claim of J. S. Love.*

[Approved April 30, 1860.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

To draw warrant.

SECTION 1. The Controller of State is hereby authorized and required to draw his warrant on the Treasurer of State, in favor of John S. Love, for the sum of one hundred and nineteen dollars and seventy-five cents, in payment of expenses incurred by him as one of the Board of Land Commissioners, in one thousand eight hundred and fifty-five.

Amount appropriated.

SEC. 2. The Treasurer of State is hereby directed to pay said warrant out of any money in the treasury, not otherwise appropriated, and that amount of money is hereby set apart out of any money in the treasury, for the payment of said amount.

RESOLUTIONS.

JOINT AND CONCURRENT RESOLUTIONS.

No. I.—*Concurrent Resolution.*

[Passed January 10, 1860.]

Resolved, By the Senate, the Assembly concurring, that our delegation in Congress, be requested to use all honorable means within their power to secure the passage of an act by the General Government for a survey and establishment of the eastern boundary of California, within one year. Boundary survey.

Resolved, That the Governor be requested to forward a copy of this resolution to each of our delegation in Congress.

No. II.—*Concurrent Resolution.*

[Passed January 5, 1860.]

Resolved, By the Senate, the Assembly concurring, that our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to procure the passage of an act, creating, with convenient boundaries, a new territory in Western Utah. New territory.

Resolved, That his Excellency, the Governor, be requested to forward a copy of the above resolution to each of our Senators and Representatives in Congress, at as early a day as practicable.

No. III.—*Concurrent Resolution.*

[Passed January 10, 1860.]

Leave of absence.

Resolved, By the Senate, the Assembly concurring, that the Hon. Charles Fernald, County Judge of the county of Santa Barbara, have leave to be and remain absent from the State of California for a period of five successive months, during the course of the year one thousand eight hundred and sixty.

No. IV.—*Concurrent Resolution.*

[Passed January 18, 1860.]

Preamble.

WHEREAS, The prosperity and future development of the resources of our State demand the prompt settlement of land titles in California, and as a basis thereof the segregation of the private land claims from the public domain, and the subdivision of the public land (contiguous to the private ranchos) comprising the most desirable lands in our State for the settlement of families. Therefore, be it—

Appropriation urged.

Resolved, By the Senate, the Assembly concurring: Section one—that under the meager appropriation of the present year and an anticipated diminution of the same for the coming year our citizens are, and will be, suffering under great injustice and wrong from the United States. Section two—that our Senators be instructed, and our Representatives in Congress requested and urged, to obtain a sufficient appropriation to meet the immediate wants of our State in this regard, as the paramount interest thereof. Section three—that his Excellency, the Governor, be requested to forward a copy of these resolutions to our Senators and Representatives in Congress.

No. V.—*Concurrent Resolution.*

[Passed January 14, 1860.]

Leave of absence.

Resolved, By the Senate, the Assembly concurring, that the Hon. R. B. Sherrard, County Judge of Sutter County, shall have leave of absence from this State for the period of four months, at any time during the present year.

No. VI.—*Joint Resolution.*

[Passed January 9, 1860.]

To the Senate and House of Representatives, in Congress Assembled.—The memorial of the Senate and Assembly of the State of California represents to your Honorable Bodies, that there are within the boundaries of the State of California, large bodies of swamp and overflowed lands, which lie in, and along, all of the valleys of the State, and upon the borders of all its rivers and smaller water-courses, which, by reason of their annual and periodical inundation, are rendered either wholly unfit for cultivation, or only susceptible thereof during exceptional years, and then at great risk of loss of time, labor, and the money expended thereon. That this State has by law provided for the sale of these lands, with a view to the reclamation thereof. That owing to the fact that no line of segregation has ever been established between the swamp and overflowed lands and the high lands, so as to definitely settle and recognize the State's title to specific boundaries, great uncertainty as to the title acquired by purchasers from the State exists in the minds of our citizens. That in numerous instances where lands have been sold by the State, and by the labor of the purchaser reclaimed and protected from overflow, the Surveyors of the United States Government have included the same in the general surveys of the public lands as high lands, thereby depriving the State of the benefit of reclamations made under her auspices. That much of the land sold by the State as swamp land, has been resold by the General Government, thus compelling those who had purchased from the State, to pay twice for their land in order to secure a title thereto, or to lose the labor bestowed, and money expended, thereon. That the surveys made under the direction of the United States Surveyor-General, in the vicinity of swamp lands, have been made in the fall season of the year, when no rain has fallen in the State for, oftentimes, six or eight months preceding, the water-courses being, in many instances, entirely dry, and large tracts of land that are for from three to six months of the year an almost impassable lake, wholly free from water, thus misleading the Surveyors, so that the government surveys are often unwittingly extended over land that is in fact swamp and overflowed, thereby depriving the State of great quantities of land properly belonging to her. In view, therefore, of all these facts, as well as many others of a like character, which might be recited, the Senate and Assembly of the State of California, earnestly request that all those lands heretofore sold by this State as swamp lands may be certified to her by the General Government, and that provision may be made by law for the United States Surveyor-General, acting in connection with the Surveyor-General of this State, to run general lines of segregation between the swamp or overflowed and the high lands, within this State, and that the land so designated may be forthwith certified to this State as swamp and overflowed lands.

To segregate public and State lands.

Resolved, By the Senate, the Assembly concurring, that the

Governor be requested to forward copies of this memorial to each of our Senators and Representatives in Congress.

No. VII.—*Concurrent Resolution.*

[Passed January 11, 1860.]

Semi-weekly mail.

Resolved, By the Assembly, the Senate concurring, that our Senators in Congress, be, and they are, hereby instructed, and our Representatives requested, to use their endeavors with the Postmaster-General to procure the establishment of a semi-weekly mail from San Juan, in Monterey County, *via* Salinas, San Luis Obispo, and Santa Barbara, to the city of Los Angeles.

Resolved, That the Governor be requested to furnish a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

No. VIII.—*Concurrent Resolution.*

[Passed January 14, 1860.]

Preamble.

WHEREAS, Past experience has demonstrated the feasibility and practicability of carrying the United States Mail overland, from the Atlantic to the Pacific States, and that the same can be done in shorter time and with more regularity than by ocean steamers; and, *whereas*, the establishment of mail stations and the carrying of the mail overland, on some suitable route, will necessarily tend to promote settlements, and bring into market millions of acres of land now considered too remote for civilization, and would also tend to secure immigration to the Pacific States. Therefore—

Daily mail.

Resolved, By the Assembly, the Senate concurring, that our Senators be instructed, and our Representatives requested, to endeavor to secure the passage of a law of Congress providing for the carrying of a daily mail from some point on the Mississippi River to some point in the State of California, over such route as the Contractor carrying the same may select.

Resolved, That a copy of the foregoing preamble and resolution be forwarded to the Postmaster-General of the United States, and to each of our Senators and Representatives in Congress.

No. IX.—*Concurrent Resolution.*

[Passed January 20, 1860.]

Resolved, By the the Senate, the Assembly concurring, that our Senators in Congress be instructed, and our Representatives be requested, to use all means in their power to procure the establishing of a tri-weekly mail route between Murphy's, in Calaveras County, California, and Genoa, in Utah Territory, *via* the Big Tree Grove, on what is known as the "Big Tree and Carson Valley Route." Tri-weekly mail.

No. X.—*Concurrent Resolution.*

[Passed January 21, 1860.]

Resolved, By the Senate, the Assembly concurring, that John S. Wood, County Treasurer of the county of Napa, have leave of absence from this State for the period of five months, from and and after the fifth day of March, one thousand eight hundred and sixty. Leave of absence.

No. XI.—*Concurrent Resolution..*

[Passed January 20, 1860.]

Resolved, By the Senate, the Assembly concurring, that our Senators in Congress be instructed, and our Representatives be requested, to use all means in their power to procure the establishment of a weekly mail route between Tehama, in Tehama County, and Ukiah, in Mendocino County, the location of post-offices at Nome Lackee and Mountain House, in Tehama County, and Nome Cult in Mendocino County, and that the Governor be requested to forward a copy of this resolution to our Senators and Representatives in Congress. Weekly mail

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No. XII.—*Concurrent Resolution.*

[Passed January 21, 1860.]

Resolved, By the Assembly, the Senate concurring, that our Senators in Congress be instructed, and our Members requested, to use their best endeavors to procure the establishment of a Sunday mail from San Francisco to Sacramento, on occasions Sunday mail.

when the mail shall arrive by sea or overland, at the former city on Saturday night or Sunday morning.

Resolved, That the Governor be requested to forward copies of the above resolution to our Senators and Members in Congress.

No. XIII.—*Concurrent Resolution.*

[Passed January 24, 1860.]

Resolved, By the Senate, the Assembly concurring, that our Senators be instructed, and our Representatives in Congress be requested, to urge upon Congress the immediate necessity for appropriations for the following mail routes, etc., in the northern portion of this State: An appropriation for a weekly mail from Cloverdale, Sonoma County, to Eureka, Humboldt County; a daily mail from Eureka to Uniontown, Humboldt County; a weekly mail from Uniontown, Humboldt County, to Orleans Bar, Klamath County, *via* Hooper Valley; a weekly mail from Eureka to Matole Valley, *via* Bear River and Cape Mendocino; a weekly mail from Uniontown to Crescent City, *via* Trinidad and Gold Bluffs, Klamath County; a weekly mail from Crescent City to Happy Camp, Del Norte County, *via* Sailors' Diggings and Indian Creek; a weekly mail from Weaverville, Trinity County, to the Forks of Salmon River, Klamath County, *via* Rattlesnake, Grizzly Gulch, and Buelville, Klamath County; an appropriation for a fog-gun and light-house on Punta de los Reyes; an appropriation for a first class light on Cape Mendocino, which is the most western point in the United States; an appropriation for a breakwater at Crescent City, Del Norte County, and Trinidad, Klamath County; an appropriation of fifteen or twenty thousand dollars to place buoys in Humboldt Bay and Bar, and for moveable beacon ranges, by which to cross the bar; to create a collection district, to be composed of the counties of Del Norte, Klamath, and Humboldt; an appropriation of ten thousand dollars, for the purpose of blowing up Blossom Rock, in the harbor of San Francisco.

Appropriation for weekly mail, etc.

Resolved, That his Excellency, the Governor, be requested to transmit to our Senators and Representatives in Congress, a copy of these resolutions.

No. XIV.—*Concurrent Resolution.*

[Passed January 24, 1860.]

WHEREAS, The interests of the people of the State of California, imperatively require that the mail communication, whether overland or by ocean, between the Pacific Coast and the At-

Preamble.

lantic States of the Union, be carried on with safety, speed, and unfailing regularity; and, *whereas*, since the first of October, eighteen hundred and fifty-nine, the mail service by the ocean has been attended with ruinous delays, and with repeated and vexatious irregularities. Therefore, be it—

Resolved, By the Senate, the Assembly concurring, that our Representatives in Congress be requested, and our Senators be instructed, to use their influence with the United States Postmaster-General to have all future contracts for the transmission of the ocean mails, made with such parties and over such routes as will secure the greatest dispatch in the transmission of the mails to and from this State. Mail contract.

No. XV.—*Concurrent Resolution.*

[Passed January 30, 1860.]

Resolved, By the Senate, the Assembly concurring, that Michael Martin, heretofore employed by Assembly Concurrent Resolution, Number Twelve, to take charge of the furnaces in the basement story of the State-house, at four dollars per day, be paid out of the Contingent Fund of the Assembly and Senate equally. Pay of Fireman.

No. XVI.—*Concurrent Resolution.*

[Passed January 31, 1860.]

Resolved, By the Senate, the Assembly concurring, that there be printed of the report of the State Registrar for eighteen hundred and fifty-nine, nine hundred and sixty copies. State Registrar.

No. XVII.—*Concurrent Resolution.*

[Passed January 31, 1860.]

Resolved, By the Senate, the Assembly concurring, that nine hundred and sixty copies of the Report of the State Prison Directors be ordered printed for the use of the two Houses. State Prison Directors.

No. XVIII.—*Concurrent Resolution.*

[Passed January 30, 1860.]

Preamble. WHEREAS, From our isolated position in the Confederacy, it is actually necessary for the common defense and general welfare of the people of the State of California, that we should be properly supplied with arms and munitions of war sufficient for self-protection; and, *whereas*, in the event of a war with, or foreign invasion by, any of the great powers of Europe, California, from her detached and exposed condition, would in her defenseless situation become a prey to the enemy. Therefore, be it—

Arms wanted. *Resolved*, By the Assembly, the Senate concurring, that our Senators be instructed, and Representatives in Congress requested, to exert their influence with the Federal Government to procure twenty thousand stand of arms, and four batteries of light, and four batteries of heavy, artillery, for the use of California.

Resolved, That his Excellency the Governor, be requested to transmit a copy of the above preamble and resolutions to our Senators and Representatives in Congress.

No. XIX.—*Concurrent Resolution.*

[Passed January 30, 1860.]

Pre-emption privilege. *Resolved*, By the Assembly, the Senate concurring, that our Senators and Representatives in Congress be instructed and requested to exert themselves to procure the passage of an act to extend the pre-emption privilege to actual settlers on the public land in California, from March third, one thousand eight hundred and fifty-six, to March third, one thousand eight hundred and sixty-one; and,

Resolved, further, That the Governor be requested to transmit to each of our Senators and Representatives in Congress a copy of these resolutions.

No. XX.—*Concurrent Resolution.*

[Passed January 28, 1860.]

Preamble. WHEREAS, The land districts in the State of California numbered One and Three are oppressive and inconvenient to a large portion of the people living in said land districts, by reason of the distance to the land offices in said districts; and, *whereas*, it is necessary for such persons to pass over almost inaccessible mountains, and through hostile tribes of Indians, or to make a circuitous and dangerous trip by sea to said land offices;

and, *whereas*, a land district bounded on the north by the fifth standard, north, on the east by land districts number Two and Four, on the south by the waters of the bay of San Francisco, and on the west by the Pacific Ocean, is required for the convenience of the people thereof; now, be it—

Resolved, By the Assembly, the Senate concurring, that our Senators in Congress be instructed, and our Representatives requested, to urge the passage of a law changing the said land districts so as to form a new land district with the above described boundaries, or with such changes in the boundaries of said land districts as may meet the wants and convenience of the people thereof, and as shall seem most proper and advantageous. New land district.

Resolved, That the Governor be requested to forward to our Senators and Representatives in Congress a copy of these resolutions.

No. XXI.—*Concurrent Resolution.*

[Passed February 1, 1860.]

Resolved, By the Assembly, the Senate concurring, that our Senators and Representatives in Congress be and are hereby requested, to use their most earnest endeavors with the Postmaster-General of the United States for the establishment of a daily mail between Stockton aud Mariposa, and all intermediate post-offices. Daily mail.

Resolved, That the Governor be requested to forward copies of this resolution to our Senators and Representatives in Congress.

No. XXII.—*Concurrent Resolution.*

[Passed February 4, 1860.]

Resolved, By the Assembly, the Senate concurring, that our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure the passage of a law by Congress donating to each *bona fide* settler on the public agricultural lands within this State, being a free white person, over the age of twenty-one years, and a citizen of the United States, or who shall have declared his intention to become such, a homestead, consisting of one hundred and sixty acres or more, after a continuous residence and occupancy thereof for five years or more. Homestead prayed for

No. XXIII.—*Concurrent Resolution.*

[Passed February 13, 1860.]

Amendments to Constitution.

Resolved, By the Senate, the Assembly concurring, that four hundred and eighty copies be ordered printed of the proposed amendments to the Constitution, introduced by Mr. Smith, of Nevada.

No. XXIV.—*Concurrent Resolution.*

[Passed February 4, 1860.]

Daily and semi-weekly mail.

Resolved, By the Assembly, the Senate concurring, that our Senators be instructed, and Representatives in Congress requested, to procure the establishment of a daily mail from Oroville, in the county of Butte, to the town of Quincey, in the county of Plumas, State of California, during the months of June, July, August, September, October, and November, of each year. The contract for carrying said mail to require the Contractors to commence carrying the same, daily, from the first day of June in each year and ending the last day of November, each year; and thereafter, for the remaining six months in each year, said Contractor or Contractors to be required to carry said mails semi-weekly from the said city of Oroville to the said town of Quincey, commencing the transportation of said mails semi-weekly, on the first day of December and ending the last day of May in each year.

Resolved, That the Governor be requested to forward copies of this resolution to the Postmaster-General and each of our Senators and Representatives in Congress.

No. XXV.—*Concurrent Resolution.*

[Passed February 15, 1860.]

Leave of absence.

Resolved, By the Senate, the Assembly concurring, that Samuel E. Marshall, one of the Board of Supervisors of Tuolumne County, have leave of absence from this State for the period of six months, from and after the passage of this resolution.

No. XXVI.—*Concurrent Resolution.*

[Passed February 11, 1860.]

Weekly mail

Resolved, By the Assembly, the Senate concurring, that our Senators in Congress be instructed, and our Representatives requested, to use all honorable means in their power to procure the establishment of a weekly mail between Sonora, in Tuolumne county, and Monoville, in Western Utah.

Resolved, That his Excellency, the Governor, be requested to forward a copy of the above resolution to each of our Senators and Representatives in Congress.

No. XXVII.—*Concurrent Resolution.*

[Passed February 28, 1860.]

Preamble.

WHEREAS, The time for taking the eighth census is at hand; and *whereas*, the necessary expenses attendant upon taking the same will be greater in this State than in the other States of the Union, owing to the high prices of living, traveling, etc. Therefore, be it—

More funds for census.

Resolved, By the Assembly, the Senate concurring, that our Representatives at Washington be requested to urge that a liberal allowance be made by the General Government for the taking of the Census in California.

Resolved, That the Governor be requested to transmit to each of our Senators and Representatives in Congress, a copy of the foregoing preamble and resolution.

No. XXVIII.—*Concurrent Resolution.*

[Passed March 19, 1860.]

Preamble.

WHEREAS, In all legislation affecting the public lands in California, Congress has carefully excluded the mineral lands from the plan which it has adopted for the disposal of its other public lands; and, *whereas*, this exclusion was not intended to prevent, but on the contrary, to encourage the discovery, enjoyment, and working, of mines by the people, wherein consists the legitimate development of our great source of the wealth of this State; and *whereas*, for many years past, the miner on public lands has been protected and maintained in his right of property in his mine, by the laws of this State; and, *whereas*, by the laws of this State, the rule of property, in mines, both as respects its acquisition and the conditions of its enjoyment,

is prescribed by local regulations made by the people of certain districts; and, *whereas*, it would be a great grievance and an outrageous violation of free government, if the right of property in the mineral lands of this State, were held by the people at the will of the federal power; and, *whereas*, the public good of California requires that no distinction should be made between our mines of gold and other metals; and, *whereas*, the stoppage of the New Almaden Quicksilver Mine, situated in Santa Clara County, by injunction at the suit of the United States, has been productive of great injury to the people of California, and is the exercise of a power dangerous to the general mining interests of the State. Therefore, be it—

Release injunction.

Resolved, By the Assembly, the Senate concurring, that our Representatives in Congress be requested, and our Senators instructed, to use their best endeavors at the proper department at Washington, to procure an abandonment of the suit wherein said injunction was issued, if the same can be done without determining the ultimate right to said mine.

No. XXIX.—*Concurrent Resolution.*

[Passed March 13, 1860.]

Mail routes.

Be it Resolved, By the Assembly, the Senate concurring, that our Senators in Congress be instructed, and our Representatives requested, to urge upon Congress the passage of a law establishing a mail route, connecting with the Central Overland Mail from Carson City, in the Territory of Utah, to Nevada City, thence to the town of Auburn, in the county of Placer, thence to Folsom, and from there to Sacramento City, passing over the Sierra Nevadas through the Henness' Pass, with mail routes diverging therefrom; first one leaving said route at Jackson's Ranch, near the western end of Henness' Pass, to Downieville, in the county of Sierra, and the second leaving at Lake City, in the county of Nevada, *via* North San Juan, to Marysville, Yuba County.

Resolved, That the Governor be requested to forward a copy of the above resolutions to our Senators and Representatives in Congress.

No. XXX.—*Concurrent Resolution.*

[Passed April 2, 1860.]

New land district.

Resolved, First, by the Senate, the Assembly concurring, that our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure, if possible, the estab-

lishment of a new land district in the northern part of the Sacramento Valley, the office for which to be located at the town of Red Bluff.

Resolved, Second, that his Excellency, the Governor, be requested to send a copy of this resolution to each of our Senators and Representatives in Congress.

No. XXXI.—*Concurrent Resolution.*

[Passed March 31, 1860.]

Resolved, By the Senate, the Assembly concurring, that Hon. Charles Lindley, County Judge of Yuba County be, and hereby is granted leave of absence from this State for the period of four months, at such time as he may select during his present term of office. Leave of absence.

No. XXXII.—*Concurrent Resolutions relative to the Establishment of a certain Mail Route in the Northern portion of this State.*

[Passed April 2, 1860.]

Resolved, By the Senate, the Assembly concurring, that our Senators in Congress be and they are hereby instructed, and our Representatives requested, to use their influence to procure the passage of a law establishing a mail route and weekly service thereon, from the town of Red Bluff, in Tehama County, to Susanville, in Honey Lake Valley, and the establishment of post-offices on said route at Lost Camp and Pine Grove, in Shasta County and at Susanville, in State of California, and to procure a sufficient appropriation to render said mail service effective. Mail route and post-offices.

Resolved, That his Excellency, the Governor, be requested to forward a copy of the above resolution to each of our Senators and Representatives in Congress, and to the Postmaster-General of the United States, at as early a day as possible.

No. XXXIII.—*Concurrent Resolution.*

[Passed March 30, 1860.]

Resolved, By the Senate, the Assembly concurring, that our delegation in Congress be, and they are hereby, requested to use all proper means to secure the early passage of an act by Congress providing for the floating of the sixteenth and thirty-sixth sections of land donated to the State of California for the sup- Floating school lands.

port of common schools, by act of Congress of March third, eighteen hundred and fifty-three, and for the location of the same upon unoccupied agricultural or grazing lands belonging to the General Government within this State, whether surveyed or unsurveyed, and providing further for the selection of two additional sections of such school lands for each and every congressional township in the State covered by mineral lands.

Resolved, That the Governor be requested to forward a copy of the foregoing resolution to each of our delegation in Congress.

No. XXXIV.—*Concurrent Resolution in relation to the War Debt.*

[Passed April 10, 1860.]

Indian war debt.

Resolved, By the Senate, the Assembly concurring, that his Excellency, the Governor, is hereby directed to have made out, in duplicate, a complete statement of the expenses incurred by citizens of this State in the suppression of Indian hostilities, which have been recognized by legislative action, and which have not been assumed and paid by the General Government; together with such of the correspondence and information relating to the origin, prosecution, and termination, of the several Indian wars, waged by authority of this State, as may be proper to submit to the Congress of the United States, in asking payment therefor; which statement, correspondence, and information, shall be presented to the next Legislature of this State, which is to meet on the first Monday in January, one thousand eight hundred and sixty-one.

No. XXXV.—*Concurrent Resolution.*

[Passed April 11, 1860.]

Additional mail facilities required.

Resolved, By the Assembly, the Senate concurring, *whereas*, there is but one post-office between the towns of San Luis Obispo and Los Angeles, which two towns are two hundred and fifty miles apart; and, *whereas*, such post-office is served exclusively by a semi-weekly steamer, and the settlement of government and other lands has been and still is seriously impeded by the want of mail facilities. Therefore—

Resolved, That the Senators and Representatives of the State of California, in Congress, are requested to use their utmost endeavor to procure a semi-weekly conveyance of the mail, by land, from San Luis Obispo and Los Angeles, through Santa Ines, Santa Barbara, and San Buenaventura, in the county of Santa Barbara, and the establishment of post-offices at Santa Ines and San Buenaventura, in said county.

No. XXXVI.—*Concurrent Resolution.*

[Passed April 18, 1860.]

WHEREAS, A bill has been introduced in the House of Repre- Preamble.
sentatives, providing for the assumption of the Indian War Debt of the State of California by the General Government. Therefore, be it—

Resolved, By the Senate, the Assembly concurring, that his Excellency, the Governor of California, be requested to transmit, Vouchers of war claims.
at his earliest convenience, to our Members in Congress, the original vouchers upon which this debt is predicated, together with the record of the action thereon by the Board of Examiners of War Claims, whether the said claims are held by the State of California or by citizens thereof.

No. XXXVII.—*Concurrent Resolution Relative to the Indian Reserves in this State.*

[Passed April 16, 1860.]

WHEREAS, The Indian Reserves in this State are entirely inade- Preamble.
quate to answer the purposes intended by the General Government; and, *whereas*, Round Valley, in Mendocino County, containing an area of about twenty-five thousand acres, is, owing to its isolated position, the mildness of its climate, the richness of its soil, and its general adaptation to the requirements of the Indian race, peculiarly suited to the purposes of an Indian Reservation; and, *whereas*, the greater portion of the said valley is at present occupied by settlers, who have made extensive and valuable improvements therein, for which they should receive fair and just compensation before being required to abandon them. Therefore, be it—

Resolved, By the Assembly, the Senate concurring, that our Senators and Representatives in Congress be instructed and requested, to use every honorable exertion to procure such action on the part of the General Government as will provide for the appropriation of the entire valley aforesaid, and the surrounding Indian reserve prayed for.
country, bounded by the nearest fork of Eel River, on the south and west, and by the summit of the Coast Range on the north and east, for the purpose of an Indian Reserve; and, also to urge the appropriation of a sufficient sum of money to remunerate the citizens of said valley for their improvements, grain, and such other property as they may desire to dispose of, which may be necessary for the use and convenience of the reserve.

Resolved, That our Senators and Representatives in Congress California to control.
be instructed and requested, to urge upon the federal authorities to cede to the State of California the entire jurisdiction over In-

dians and Indian affairs within our borders, together with such appropriations of land and money as will be adequate for the proper management and support of the Indians; also, an appropriation of money for the payment of the Indian war indebtedness incurred in the suppression of Indian hostilities in this State.

Resolved, That the Governor be requested to forward to each of our Senators and Representatives a copy of the foregoing preamble and resolutions.

No. XXXVIII.—*Joint Resolution.*

[Passed April 26, 1860.]

Leave of absence.

Resolved, By the Senate and Assembly, that A. J. Moulder, the Superintendent of Public Instruction, have permission to be absent, during the present year, from the State of California, on a visit to the Atlantic States, for the period of five months.

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ANNUAL REPORT

OF

THE TREASURER OF STATE,

FOR

THE YEAR 1859.

ANNUAL REPORT

OF

THE TREASURER OF STATE,

FOR

THE YEAR 1859.

To protect the credit of the State some disposition should be made of these claims without delay.

The suit against Wells, Fargo & Co. for the bonds obtained from the State (see my last report) is still pending in the courts. The interest on these bonds has not been paid. Under the provisions of the law authorizing the State Treasurer to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in this State, nineteen thousand and sixty dollars and sixty-five cents, in bonds, have been issued since my last Annual Report, making the total amount issued to date, two hundred and sixty-four thousand four hundred and thirty-five dollars and twenty-eight cents.

Very respectfully, your ob't serv't,

THOMAS FINDLEY,

State Treasurer.

OPERATIONS OF THE STATE TREASURY

FROM

DEC. 16, 1858, TO DEC. 15, 1859.

MONTHLY RECEIPTS

From December 16th, 1858, to June 30th, 1859.

December 16, 1858, balance on hand....		$522,170 26
From December 16, to December 31, 1858, received	$24,605 70	
January 1, to January 31, 1859, received	506,938 00	
February 1, to February 28, 1859, received.....	3,816 21	
March 1, to March 31, 1859, received.....	2,450 08	
April 1, to April 30, 1859, received...	133,225 35	
May 1, to May 31, 1859, received..... ..	6,943 85	
June 1, to June 30, 1859, received.....	8,183 23	
		$686,162 42
		$1,208,332 68

From July 1, 1859, to December 15, 1859.

June 30, 1859, balance on hand.....		$308,826 38
From July 1, to July 31, 1859, received.....	$196,716 62	
August 1, to August 31, 1859, received..	10,455 27	
September 1, to September 30, 1859, received.....	3,296 70	
October 1, to October 31, 1859, received	215,257 34	
November 1, to November 30, 1859, received.....	82,284 88	
December 1, to December 15, 1859, received.....	1,267 50	
		$509,278 31
		$818,104 69

Received from Dec. 16, 1858, to June 30, 1859	$686,162 42	
Received from July 1, to Dec. 15, 1859.....	509,278 31	
Total.....	$1,195,440 73	
Total Receipts.....		$1,195,440 73
Total Expenditures.....		1,160,929 14
Total Receipts over Expenditures, from December 16, 1858 to December 15, 1859, inclusive.....		$34,511 59

AND EXPENDITURES,

From December 16, 1858, *to June* 30, 1859.

From December 16, to December 31, 1858, expended	$175,007 14		
January 1, to January 31, 1859, expended	101,840 87		
February 1, to February 28, 1859, expended	86,104 85		
March 1, to March 31, 1859, expended	108,906 85		
April 1, to April 30, 1859, expended	156,881 19		
May 1, to May 31, 1859, expended	71,951 06		
June 1, to June 30, 1859, expended	198,814 34		
		$899,506	30
Balance on June 30, 1859		308,826	38
		$1,208,332	68

From July 1, *to December* 15, 1859.

From July 1, to July 31, 1859, expended	$69,739 78		
August 1, to August 31, 1859, expended	62,816 30		
September 1, to September 30, 1859, expended	36,401 12		
October 1, to October 31, 1859, expended	37,384 40		
November 1, to November 30, 1859, expended	42,911 52		
December 1, to December 15, 1859, expended	12,169 72		
		$261,422	84
Balance on hand, December 15, 1859		556,681	85
		$818,104	69

Expended from Dec. 16, 1858, to June 30, 1859.	$899,506 30		
Expended from July 1, to December 15, 1859..	261,422 84		
Total	$1,160,929 14		
Excess of Receipts over Expenditures		$34,511	59
Old Balance on hand, December 15, 1858		522,170	26
Cash on hand, December 15, 1859		$556,681	85

Dr. GENERAL FUND.

1858 and 1859	To Cash paid for the redemption of Warrants drawn on this Fund from December 16, 1858, to June 30, 1859, inclusive, (see Tabular Statement).....		$545,43 73
	Transferred to School Fund, as follows:		
Dec. 17, 1858	Semi-annual interest due School Fund on account sales School Lands, Act of April 26, 1858....	$16,475 20	
... ...	Interest of State School Lands, sold under Act of April 23, 1858	3,590 56	
... ...	Principal of State School Lands, sold under Act of April 23, 1858.	8,976 41	
			29,1 17
Mar. 12, 1859	Transferred to Library Fund, for 114 Members of the Legislature, at $5.....		00
June 9, 1859	Transferred to School Fund, being the Semi-Annual Interest due School Fund.....		16,420
	Balance in this Fund, June 30, 1859.....		182,94
			$774,81
1859.....	To Cash paid for the redemption of Warrants drawn on this Fund from July 1, to December 15, 1859, inclusive, (see Tabular Statement).....		$182,95
July 23, 1859	Transferred to Swamp-Land Fund, (see Controller's Order to transfer).....		2,73
Nov. 30, 1859	Transferred to Interest and Sinking Fund of 1857, the same being required to meet the Interest due on the Civil Bonds, January 1, 1860.....		27,764
Dec. 12, 1859	Transferred to School Fund, being the Semi-Annual Interest due School Fund, (see Act Approved April 26, 1859).....		16,475
	Balance in this Fund, December 15, 1859.....		278,650
			$508,579

GENERAL FUND.

Cr.

1858.....	By Balance in this Fund, December 15,1858,(see Tabular Statement).....	$334.845 04	
1858 and 1859	By Cash received into this Fund, from December 16, 1858, to June 30, 1859, inclusive, (see Tabular Statement).....	378,456 47	
			$713,301 51
Jan. 14, 1859	Transferred from Interest and Sinking Fund of 1857, the same having been taken from this Fund, to meet the Interest due on the Civil Bonds of January 1, 1859.....		61,587 93
			$774,889 44
1859,.....	By Balance in this Fund, June 30, 1859, (see Tabular Statement....	$182,958 34	
1859.....	By Cash received into this Fund from July 1, to December 15, 1859, inclusive, (see Tabular Statement).....	325,620 72	
			$508,579 06
			50$8,579 06
	Balance in this Fund, December 15, 1859.....		$278,650 12

Dr. SCHOOL FUND.

1858 and 1859	To Cash paid for the redemption of Warrants drawn on this Fund, from December 16, 1858, to June 30, 1859, inclusive, (see Tabular Statement).....	$31,892 70
Feb. 7, 1859..	Transferred to State School Land Fund, being the principal (*i. e.* purchase money) for School Lands sold under Act of April 23, 1858, and to be applied to the purchase of State Bonds—new issue.....	33,323 10
	Balance in this Fund, June 30, 1859.....	38,911 56
		$104,127 36
1859.....	To Cash paid for the redemption of Warrants drawn on this Fund, from July 1, to December 15, 1859, inclusive, (see Tabular Statement).....	$39,442 92
	Balance in this Fund, December 15, 1859..	43,736 72
		$83,179 64

SCHOOL FUND. Cr

1858.....	By Balance in this Fund Dec. 15, 1858, (see Tabular Statement)	$12,592 59	
1858 and 1859	By cash received into this Fund, from December 16, 1858, to June 30, 1859, inclusive, (see Tabular Statement).....	46,017 40	
			$58,609 99
Dec. 17, 1858	Transferred from General Fund, as follows:		
... ...	Semi-Annual Interest due School Fund, on account sales School Lands, Act April 26, 1858.....	$16,475 20	
... ...	Interest of State School Lands, sold under Act of April 23, 1858	3,590 56	
... ...	Principal of State School Lands, sold under Act of April 23, 1858	8,976 41	
			29,042 17
June 9, 1859..	Transferred from General Fund for Semi-Annual Interest due School Fund.....		16,475 20
			$104,127 36
1859.....	By Balance in this Fund, June 30, 1859, (see Tabular Statement).....	$38,911 56	
... ...	By Cash received into this Fund, from July 1, to December 15, 1859, inclusive, (see Tabular Statement.....	27,792 88	
			$66,704 44
Dec. 12, 1859	Transferred from General Fund, being the Semi-Annual Interest due School Fund.....		16,475 20
			$83,179 64
	Balance, December 15, 1859.....		$43,736 72

Dr. HOSPITAL FUND.

1858 and 1859	To Cash paid for the redemption of Warrants drawn on this Fund, from December 16, 1858, to June 30, 1859, inclusive, (see Tabular Statement).....	$4,063 42
	Balance in this Fund, June 30, 1859.....	1,830 41
		$5,893 83
1859.....	To Cash paid for the redemption of Warrants drawn on this Fund from July 1, to December 15, 1859, inclusive, (see Tabular Statement....	$147 60
	Balance in this Fund, December 15, 1859.	2,956 81
		$3,104 41

HOSPITAL FUND Cr.

1858.....	By Balance in this Fund, December 15, 1858, (see Tabular Statement).....	$4,561 33	
1858 and 1859	By Cash received into this Fund, from December 16, 1858, to June 30, 1859, inclusive, (see Tabular Statement.....	1,332 50	
			$5,893 83
			$5,893 83
1859.....	By Balance in this Fund, June 30, 1859, (see Tabular Statement).....	$1,830 41	
... ...	By Cash received into this Fund, from July 1, to December 15, 1859, inclusive, (see Tabular Statement).....	1,274 00	
			$3,104 41
			$3,104 41
	Balance, December 15, 1859.....		$2,956 81

DR. MILITARY FUND.

1858.....	To Cash paid for the redemption of Warrants drawn on this Fund, From December 16, 1858, to June 30, 1859, inclusive, (see Tabular Statement).....	$715 00
	Balance in this Fund, June 30, 1859.....	2,003 88
		$2,718 88
1859.....	To Cash paid for the redemption of Warrants drawn on this Fund, from July 1, to December 15, 1859, inclusive, (see Tabular Statement).....	$2,576 60
	Balance in this Fund, December 15, 1859.	122 24
		$2,698 84

MILITARY FUND. Cr.

1858.....	By Balance in this Fund, December 15, 1858, (see Tabular Statement).....	$1,409 61	
1858 and 1859	By Cash received into this Fund, from December 16, 1858, to June 30, 1859, inclusive, (see Tabular Statement).....	1,309 27	
			$2,718 88
			$2,718 88
1859.....	By Balance in this Fund, June 30, 1859, (see Tabular Statement).....	$2,003 88	
... ...	By Cash received into this Fund, from July 1, to December 15, 1859, inclusive, (see Tabular Statement).....	$694 96	
			$2,698 84
			$2,698 84
	Balance, December 15, 1859		$122 24

Dr. LIBRARY FUND.

1859.....	By Balance in this Fund, June 30, 1859.....	$2,108 52
		$2,108 52
1859.....	To Cash paid for the redemption of Warrants drawn on this Fund, from July 1, to December 15, 1859, inclusive, (see Tabular Statement).....	$2,860 23
	Balance in this Fund, December 15, 1859.	439 54
		$3,299 77

LIBRARY FUND. Cr.

1858.....	By Balance in this Fund, December 15, 1858, (see Tabular Statement).....	$423 52	
1858 and 1859	By Cash received into this Fund, from December 16, 1858, to June 30, 1859, inclusive, (see Tabular Statement).....	1,115 00	
			$1,538 52
Mar. 12, 1859	Transferred from the General Fund, for one hundred and fourteen Members of the Legislature, at $5.....		570 00
			$2,108 52
1859.....	By Balance in this Fund, June 30, 1859, (see Tabular Statement).....	$2,108 52	
... ...	By Cash received into this Fund, From July 1, to December 15, 1859, inclusive, (see Tabular Statement)	1,191 25	
			$3,299 77
			$3,299 77
	Balance, December 15, 1859.....		$439 54

Dr. INTEREST AND SINKING FUND OF 1857.

1858 and 1859	To Cash paid for the redemption of Warrants drawn on this Fund, from December 16, 1858, to June 30, 1859, inclusive, as follows:		
Dec. 30, 1858	Controller's Warrants drawn on this Fund, to pay coupons for interest on State Civil Bonds, due January 1, 1859.....	$147,138 15	
June 30, 1859	Controller's Warrants drawn on this Fund, to pay coupons for interest on State Civil Bonds, due July 1, 1849, (see Tabular Statement).....	136,500 00	
			$283,638 15
Jan. 14, 1859	Transferred to General Fund, the same having been taken from said Fund to meet the interest on State Civil Bonds, due January 1, 1859.....		61,587 93
	Balance in this Fund, June 30, 1859.....		12,723 26
			$357,949 34
Sept. 6. 1859..	To Cash paid for the redemption of State Civil Bonds, new issue, as follows:		
... ...	Six Bonds, amounting to $6,000, to H. C. Wheeler, at 82 90-100	$4,974 00	
... ...	Eight Bonds, amounting to $9,000, to J. Perry, Jr., at 83 40-100.....	7,506 00	
			$12,480 00
	Balance in this Fund, December 15, 1859.		135,975 00
			$148,455 00

INTEREST AND SINKING FUND OF 1857. Cr.

1858.....	By Balance in this Fund, December 15, 1858, (see Tabular Statement).....	$147,138 15	
1858 and 1859	By Cash received into this Fund, from December 16, 1858, to June 30, 1859, inclusive, (see Tabular Statement).....	210,811 19	
			$357,949 34
			$357,949 34
1859.....	By Balance in this Fund, June 30, 1859, (see Tabular Statement).....	$12,723 26	
... ...	By Cash received into this Fund, from July 1, to December 15, 1859, inclusive, (see Tabular Statement).....	107,967 30	
			$120,690 56
Nov. 30, 1859	Transferred from General Fund, to meet the interest on Civil Bonds, due January 1, 1860		27,764 44
			$148,455 00
	Balance in this Fund to meet interest due January 1, 1860.....		$135,975 00

Dr. SWAMP LAND FUND.

1859.....	To Balance in this Fund, June 30, 1859...	$53,406 46
		$53,406 46
Nov. 30, 1859	Transferred to State School Land Fund, (see Controller's order to transfer).....	$196 55
	Balance in this Fund, December 15, 1859.	$87,095 66
		$87,292 21

SWAMP LAND FUND. Cr.

1858.....	By Balance in this Fund, December 15, 1858, (see Tabular Statement).....	$17,865 22	
1858 and 1859	By Cash received into this Fund, from December 16, 1858, to June 30, 1859, inclusive, (see Tabular Statement).....	35,541 24	
			$53,406 46
1859.....	By Balance in this Fund, June 30, 1859, (See Tabular Statement).....	$53,406 46	
... ...	By Cash received into this Fund, from July 1, to December 15, 1859, inclusive, (see Tabular Statement).....	31,151 57	
			$84,558 03
July 23, 1859	Transferred from General Fund, (see Controller's order to transfer).....		2,734 18
			$87,292 21
	Balance, December 15, 1859.....		$87,095 66

Dr. STATE SCHOOL LAND FUND.

	To Cash paid for the redemption of State Civil Bonds, new issue, as follows:		
March 8, 1859	Six Bonds, amounting to $5,500, to F. H. Wood, at 91 7-8.....	$5,053 12	
... ...	Fifteen Bonds, amounting to $14,000, to W. B. Rochester, at 93 1-4.....	13,055 00	
... ...	Five Bonds, amounting to $5,000, to D. O. Mills & Co., at 93.....	4,650 00	
... ...	One Bond, amounting to $1,000, to D. O. Mills & Co., at 94.....	940 00	
... ...	Five Bonds amounting to $5,000, to H. C. Wheeler, at 89 3-4.....	4,487 50	
... ...	One Bond, amounting to $500, to Howard Havens, at 92.....	460 00	
... ...	Eight Bonds, amounting to $5,000, to H. L. Dauteman, at 92 3-4..	4,637 50	
	Forty-one Bonds, amounting to $36,000, redeemed for, (see Tabular Statement).....		$33,283 12
	Balance in this Fund, June 30, 1859.....		11,465 06
			$44,748 18
	To Cash paid for Warrants drawn on this Fund, for the redemption of State Civil Bonds, new issue, as follows:		
Aug. 22, 1859	Twenty-Five Bonds, amounting to $25,000, to H. C. Wheeler, at 83 3-4.....		$20,937 50
	Balance in this Fund, December 15, 1859.		4,277 89
			$25,215 39

STATE SCHOOL LAND FUND. Cr

1859.....	By Cash received into this Fund, from February 7, to June 30 1859, inclusive, (see Tabular Statement.....	$11,425 08	
			$11,425 08
Feb. 7, 1859..	Transferred to State School Fund, the same being the principal (*i. e.* purchase money) for School Lands sold under Act of April 23, 1858, and to be applied to the purchase of State Civil Bonds—new issue.....		33,323 10
	(This Fund was opened February 7th, 1859.)		
			$44,748 18
1859.....	By Balance in this Fund, June 30, 1859, (see Tabular Statement).....	$11,465 06	
... ...	By Cash received into this Fund, from July 1, to December 15, 1859, inclusive, (see Tabular Statement).....	13,553 78	
			$25,018 84
Nov. 30, 1859	Transferred from Swamp Land Fund, (see Controller's order to transfer).....		196 55
			$25,215 39
	Balance, December 15, 1859.....		$4,277 89

Dr. REGISTRATION FUND.

1858 and 1859	To Cash paid for the redemption of Warrants drawn on this Fund, from December 16, 1859, to June 30, 1859, inclusive, (see Tabular Statement).....	$70 18
	Balance in this Fund, June 30, 1859.....	210 51
		$280 69

1859.....	To Cash paid for the redemption of Warrants drawn on this Fund, from July 1, to December 15, 1859, inclusive, (see Tabular Statement).....	$22 87
	Balance in this Fund, December 15, 1859..	219 49
		$242 36

Dr. ESTATES OF DECEASED PERSONS.

1859.....	To Balance, June 30, 1859.....	$89 09
		$89 09

1859.....	To Balance, December 15, 1859.....	$89 09
		$89 09

REGISTRATION FUND. Cr.

1858.....	By Balance in this Fund, December 15, 1858, (see Tabular Statement).....	$126 42	
1858 and 1859	By Cash received into this Fund, from December 16, 1858, to June 30, 1859, inclusive, (see Tabular Statement.....	154 27	
			$280 69
			$280 69

1859.....	By Balance in this Fund, June 30, 1859, (see Tabular Statement)..... $210 51	
1859.....	By Cash received into this Fund from July 1, to December 15, 1859, inclusive, (see Tabular Statement)..... 31 85	
		$242 36
		$242 36
	Balance, December 15, 1859	$219 49

ESTATES OF DECEASED PERSONS. Cr.

1858.....	By Balance, December 15, 1858, (see Tabular Statement).....	$89 09
		$89 09
1859.....	By Balance, June 30, 1859, (see Tabular Statement	$89 09
		$89 09

DR. HIRAM SMITH, JR., ABSENT HEIR OF

1859.....	To Balance, June 30, 1859.....	$3,119 29
		$3,119 29
1859.....	To Balance, December 15, 1859.....	$3,119 29
		$3,119 29

HIRAM SMITH, DECEASED. Cr.

1858.....	By Balance December 15, 1858, (see Tabular Statement).....	$3,119 29
		$3,119 29
1859.....	By Balance, June 30, 1859 (see Tabular Statement)	$3,119 29
		$3,119 29

BALANCES

In the following Funds, June 30, 1859.

General Fund	$182,958 34
School Fund	38,911 56
Hospital Fund	1,830 41
Military Fund	2,003 88
Library Fund	2,108 52
Interest and Sinking Fund of 1857	12,723 26
Swamp Land Fund	53,406 46
State School Land Fund	11,465 06
Registration Fund	210 51
Estates of Deceased Persons	89 09
Hiram Smith, Jr., absent heirs, etc	3,119 29
	$308,826 38

BALANCES

In the following Funds, December 15, 1859.

General Fund.....	$278,650 12
School Fund.....	43,736 72
Hospital Fund.....	2,956 81
Military Fund.....	122 24
Library Fund.....	439 54
Interest and Sinking Fund of 1857.....	135,975 00
Swamp Land Fund.....	87,095 66
State School Land Fund.....	4,277 89
Registration Fund.....	219 49
Estates of Deceased Persons.	89 09
Hiram Smith, Jr.. absent heirs, etc.....	3,119 29
	$556,681 85

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OFFICE OF CONTROLLER OF STATE,
Sacramento, December 17th, 1858.

Hon. THOMAS FINDLEY,
State Treasurer, Sacramento, California:

SIR:—You will please transfer from the General Fund to the School Fund the following amounts:

Semi-annual Interest due the School Fund on account of sales of School Lands as per the Appropriation Act of April 26, 1858	$16,475 20
Interest of State School Lands, sold under Act of April 23, 1858	3,590 56
Principal of State School Lands sold under Act of April 23, 1858	8,976 41
Total	$29,042 17

Very respectfully, etc.,

[L. S.] A. R. MELONY,
State Controller.

By JAMES S. GILLAN, Clerk.

OFFICE OF CONTROLLER OF STATE,
Sacramento, January 14th, 1859.

Hon. THOMAS FINDLEY,
State Treasurer, Sacramento, California:

SIR:—You will please transfer from the Interest and Sinking Fund of 1857, to the General Fund, the sum of sixty-one thousand five hundred and eighty-seven dollars and ninety-three cents, ($61,587 93) being the amount borrowed of the General Fund to pay the interest on the State Bonds, which fell due on the first instant.

Very respectfully,

[L.S.] A. R. MELONY,
State Controller.

OFFICE OF CONTROLLER OF STATE,
Sacramento, February 7th, 1859.

Hon. THOMAS FINDLEY,
State Treasurer, Sacramento, California:

SIR:—You will please transfer from the School Fund to the State School Land Fund the sum of thirty-three thousand three hundred and twenty-three dollars and ten cents, ($33,323 10,) which amount has been received as purchase money (*i. e.* principal for School Lands sold under Act of April twenty-third, one thousand eight hundred and fifty-eight, and is to be appropriated to the purchase of California State Bonds of the new issue; the interest accruing semi-annually on said bonds to be paid into the School Fund for distribution among the different counties of the State.

Very respectfully, etc.,

[L. S.]

A. R. MELONY,
State Controller.

OFFICE OF CONTROLLER OF STATE,
Sacramento, March 12th, 1859.

Hon. THOMAS FINDLEY,
State Treasurer, Sacramento, California:

SIR:—You will please transfer from the General Fund to the Library Fund the sum of five hundred and seventy dollars, ($570,) being the amount retained in accordance with law, from the per diem of seventy-nine Assemblymen and thirty-five Senators.

Very respectfully, etc.,

[L. S.]

A. R. MELONY,
State Controller.

By JAMES S. GILLAN, Clerk.

OFFICE OF CONTROLLER OF STATE,
Sacramento, June 9th, 1859.

Hon. THOMAS FINDLEY,
State Treasurer, Sacramento, California:

SIR:—You will please transfer from the General Fund to the School Fund the sum of sixteen thousand four hundred and seventy-five dollars and twenty cents, ($16,475 20,) being the amount of semi-annual interest due from the State on receipts from the sales of school lands.

Very respectfully,

[L. S.]

A. R. MELONY,
State Controller.

By JAMES S. GILLAN, Clerk.

OFFICE OF CONTROLLER OF STATE,
Sacramento, July 23d, 1859.

Hon. THOMAS FINDLEY,
State Treasurer, Sacramento, California:

SIR:—You will please transfer from the General Fund to the Swamp Land Fund the sum of two thousand seven hundred and thirty-four dollars and eighteen cents ($2,734 18,) in connection with a payment made on account by San Mateo County, June twenty-second, one thousand eight hundred and fifty-nine, of three thousand dollars, ($3,000,) which was charged to the General Fund.

Very respectfully,

[L. S.] A. R. MELONY,
State Controller.

OFFICE OF CONTROLLER OF STATE,
Sacramento, November 30th, 1859.

Hon. THOMAS FINDLEY,
State Treasurer, Sacramento, California:

SIR:—You will please transfer from the General Fund to the Interest and Sinking Fund of one thousand eight hundred and fifty-seven, the sum of twenty-seven thousand seven hundred and sixty-four dollars and forty-four cents, ($27,764 44,) being the amount necessary to enable the Interest and Sinking Fund of one thousand eight hundred and fifty-seven, to meet the semi-annual interest on the State debt, due and payable on the first day of January, one thousand eight hundred and sixty, as per official information received from your department under date of November fifteenth, one thousand eight hundred and fifty-nine.

Very respectfully,

[L. S.] A. R. MELONY,
State Controller.

By JAMES S. GILLAN, Clerk.

OFFICE OF CONTROLLER OF STATE,
Sacramento, November 30, 1857.

Hon. THOMAS FINDLEY,
State Treasurer, Sacramento, California:

SIR:—You will please transfer from the Swamp Land Fund, to the State School Land Fund, the sum of one hundred and ninety-six dollars and fifty-five cents, ($196 55) which amount was incorrectly reported by Treasurer of San Mateo County, at his settlement, July twenty-third, one thousand eight hundred and fifty-nine, having been received as Seminary Land, Principal, but paid in as Swamp Land money. The original amount was two hundred and two dollars and sixty-three cents, but the Treasurer's commission of three per cent. being deducted, will

leave the net amount to be transferred, one hundred and ninety-six dollars and fifty-five cents, ($196 55).

Very respectfully, etc.,

[L. S.] A. R. MELONY,
State Controller.

By JAMES S. GILLAN, Clerk.

OFFICE OF CONTROLLER OF STATE,
Sacramento, December 10th, 1859.

Hon. THOMAS FINDLEY,
State Treasurer, Sacramento, California:

SIR:—You will please transfer from the General Fund to the School Fund the sum of sixteen thousand four hundred and seventy five dollars and twenty cents, ($16,475 20,) as per general appropriation of April sixteenth, one thousand eight hundred and fifty-nine.

Very respectfully,

[L. S.] A. R. MELONY,
State Controller.

By JAMES S. GILLAN, Clerk.

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